

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

ANDREW PERRONG, individually and on	:	Case No.
behalf of a class of all persons and entities	:	
similarly situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	JURY DEMANDED
	:	
CONSTELLATION ENERGY	:	
CORPORATION and ALLIANCE	:	
SHAREHOLDER COMMUNICATIONS,	:	
LLC	:	
	:	
Defendants.	:	

**CLASS ACTION COMPLAINT**

**Preliminary Statement**

1. As the Supreme Court explained, “Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. The States likewise field a constant barrage of complaints. For nearly 30 years, the people’s representatives in Congress have been fighting back. As relevant here, the Telephone Consumer Protection Act of 1991, known as the TCPA, generally prohibits robocalls to cell phones and home phones.” *Barr v. Am. Ass'n of Political Consultants*, 140 S. Ct. 2335, 2343 (2020).

2. Plaintiff Andrew Perrong alleges that Alliance Shareholder Communications, LLC (“Alliance Shareholder”) sent pre-recorded telemarketing calls to his cellular telephone and those of other putative class members for the purposes of advertising Constellation Energy Corporation (“Constellation Energy”) goods and services, which is prohibited by the TCPA.

3. Because the calls to Plaintiff were transmitted using technology capable of generating thousands of similar calls per day, Plaintiff bring this action on behalf of proposed nationwide a class of other persons who were sent the same illegal telemarketing calls.

4. A class action is the best means of obtaining redress for the Defendants' illegal telemarketing and is consistent both with the private right of action afforded by the TCPA and the fairness and efficiency goals of Rule 23 of the Federal Rules of Civil Procedure.

### **Parties**

5. Plaintiff Andrew Perrong is an individual.

6. Defendant Alliance Shareholder Communications, LLC is a New Jersey limited liability company.

7. Defendant Constellation Energy Corporation is a corporation headquartered in Baltimore, MD in this District.

### **Jurisdiction & Venue**

8. The Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because the Plaintiff's claims arise under federal law.

9. The Court has personal jurisdiction over Constellation Energy Corporation because it is a resident of this District. The Court has personal jurisdiction over Alliance Shareholder Communications because it worked with Constellation Energy Corporation in this District to organize the calling conduct at issue. Moreover, upon information and belief, the agreement between Constellation Energy Corporation and Alliance Shareholder Communications would have had any disputes between the two subject to Maryland law.

10. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the Defendant Constellation Energy Corporation resides in this District and organized the calling conduct at issue from this District.

### **The Telephone Consumer Protection Act**

11. In 1991, Congress enacted the TCPA to regulate the explosive growth of the telemarketing industry. In so doing, Congress recognized that “[u]nrestricted telemarketing ... can be an intrusive invasion of privacy [.]” Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

### **The TCPA Prohibits Automated Telemarketing Calls**

12. The TCPA makes it unlawful “to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice ... to any telephone number assigned to a ... cellular telephone service...or any service for which the called party is charged for the call.” *See* 47 U.S.C. § 227(b)(1)(A)(iii).

13. The TCPA provides a private cause of action to persons who receive calls in violation of 47 U.S.C. § 227(b)(1)(A). *See* 47 U.S.C. § 227(b)(3).

14. According to findings by the Federal Communication Commission (“FCC”), the agency Congress vested with authority to issue regulations implementing the TCPA, such calls are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient.

15. The FCC also recognized that “wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.” *In re Rules and Regulations*

*Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, Report and Order, 18 FCC Rcd. 14014, 14115, ¶ 165 (2003).

### **Factual Allegations**

16. Constellation Energy provides electric power, natural gas, and energy management services.

17. Constellation Energy has shareholders and is a publicly traded company, trading under NASDAQ Ticker CEG.

18. Constellation Energy engaged in a program to repurchase its stock under a buyback program.

19. To solicit individuals to sell their stock back to Constellation Energy, Constellation engaged Alliance as its agent to contact individuals and inform them about buying Constellation stock.

20. Alliance Shareholder telemarketing efforts include the use of automated pre-recorded message calls.

#### **Call to Mr. Perrong**

21. Mr. Perrong is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

22. On March 24, 2022, Mr. Perrong received a pre-recorded call on his number for which he is charged per minute for the calls, 215-947-XXXX.

23. That Number, which is assigned to a VoIP telephone service, is charged for each call it receives.

24. The service charges a ring charge of \$0.005 for the provision of Caller ID Name lookup information for each call placed to the Number, even if the call is not answered.

25. The service also charges a per-minute charge of \$0.004 per minute for voice charges for each minute of talk time, including voicemail time, for each call placed to the Number.

26. The Number is therefore “assigned to a . . . service for which the called party is charged for the call” and any calls placed to that number are subject to the restrictions enumerated in 47 U.S.C. § 227(b)(1)(A)(iii).

27. The number called had been on the National Do Not Call Registry.

28. The pre-recorded message stated:

Good day, you recently received information in the mail regarding a voluntary program being offered to shareholders owning fewer than 100 shares of Constellation Energy common stock. This provides an opportunity to conveniently sell your shares of Constellation Energy to sell your shares through this program. Your properly completed acceptance card must be received by April 27, 2022. All terms in this program are contained in the letter that was recently mailed to you. If you have any further questions, please press one now to speak to a representative or if you've received this message on your voicemail, you may contact Alliance Shareholder Communications LLC, the manager of this program, toll free at 1-800-574-6107 between the hours of 9am and 5pm. Eastern time Monday through Friday. As a reminder, the program expires on April 27, 2022. Thank you and have a great day.

29. However, Mr. Perrong is not a shareholder of Constellation Energy.

30. Indeed, prior to filing this lawsuit, Mr. Perrong contacted Alliance Shareholder.

31. Mr. Perrong inquired how Alliance Shareholder obtained his phone number to make the pre-recorded call.

32. Alliance Shareholder did not respond.

33. The privacy of Mr. Perrong and the putative class members was infringed upon because the pre-recorded telemarketing calls occupied their telephone lines from legitimate communications.

#### **Constellation Energy’s Liability for Alliance Shareholder’s Conduct**

34. The Federal Communication Commission (“FCC”) is tasked with promulgating rules and orders related to enforcement of the TCPA. *See* 47 U.S.C. 227(b)(2).

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