

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS**

CRAIG CUNNINGHAM, Plaintiff, v. MARK D. GUIDUBALDI & ASSOCIATES LLC, DBA PROTECTION LEGAL GROUP, AND CORPORATE BAILOUT LLC, Sanford J. Feder Esq, Mark D. Guidubaldi, Esq, Cashflow Care, LLC Defendants.	§ § § § § § Case 3:17-cv-01238 § § § §
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PLAINTIFF'S FIRST AMENDED COMPLAINT

1. The Plaintiff in this case is Craig Cunningham, a natural person who was a resident of Dallas County, Texas at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, Ste 248, Nashville, TN 37211.
2. Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC (“PLG”), is an Illinois limited liability company with a principal place of business in Schaumburg, Illinois. The members of PLG at the time of this action are citizens of Illinois and Pennsylvania. PLG may be served via its registered agent at 1259 N. Wood Street, Apt. 101, Chicago, Illinois 60622 or via registered agent, National Registered Agents, Inc., 1999 Bryan St., ste 900, Dallas, Tx 75201.
3. Defendant Corporate Bailout, LLC (“Corporate Bailout”), is a New Jersey limited liability company with a principal place of business in Somerville, New Jersey. The members of Corporate Bailout at the time of this action are citizens of New Jersey. Corporate Bailout

may be served via its registered agent, Process Fulfillment at 100 Charles Ewing Blvd., Ste. 160, Princeton South Corporate Center, Ewing, New Jersey 08628.

4. Cashflow Care, LLC is a Nevada corporation that can be serve via registerd agent GG International at 500 N. Rainbow Blvd., ste 300, Las Vegas, NV 89107.
5. Sanford J. Feder, Esq is a New Jersey Lawyer who can be served at 331 Newman Springs Road, Ste 143, Red Bank, NJ 07701
6. Mark D. Guidubaldi is a natural persona and can be served 1259 N. Wood Street, apt 101, Chicago, Illinois 60622.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), as there is complete diversity between the parties, and Plaintiff seeks damages in excess of \$75,000 as alleged herein.
8. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, as this action arises under the TCPA, which is a federal statute.
9. This Court has personal jurisdiction over Defendants because Defendants conducts significant amounts of business within this District and at least one is headquartered in this District.
10. Venue is proper in this District under 28 U.S.C. § 1391(b) because Defendant conducts significant amounts of business within this District.

FACTUAL ALLEGATIONS

11. In 2016 and 2017, the Plaintiff received multiple phone calls to the Plaintiff's cell phones which connected the Plaintiff to an agent. These calls were unsolicited by the Plaintiff. The calls were either made by the corporate entity defendants individually or by

corporate entity defendants acting on behalf of and at the direction of Defendant Mark D.

Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi,

Sanford J. Feder, and Corporate Bailout, LLC. Several of the calls were placed by Cashflow

Care, LLC on behalf of Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection

Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC.

12. Mark D. Guidubaldi and Sanford J. Feder were personally involved in the decision to use

automated telephone dialing system and pre-recorded messages as part of a nationwide

campaign to call consumers and businesses without consent and without any relation to any

emergency purpose.

13. Even after the filing and service of this lawsuit, Defendant Mark D. Guidubaldi &

Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder,

and Corporate Bailout, LLC and Cashflow Care, LLC continued to pepper the Plaintiff with

illegal telemarketing calls, despite knowing that the Plaintiff was suing them for placing

illegal telemarketing calls and represented by an attorney. This is further evidence of willful

and knowing misconduct on the part of the Defendants.

14. At least one hundred phone calls were made as of the date of this Complaint, but Plaintiff

believes that many more were attempted, and is continuing to compile additional calls.

Furthermore, as the calls have not stopped despite the service of a lawsuit, the Plaintiff

anticipates that additional calls will continue to rain down and the total number of calls to

rise significantly.

Calls to the Plaintiff's Phone Numbers 615-348-1977, 615-331-7262, 615-212-9191, and 615-727-8846

15. The Plaintiff's phone numbers are below in bold and total at least 105 calls from Defendant

Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D.

Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC or 3rd party telemarketers to include Cashflow Care, LLC calling on behalf of the above named defendants.

615-348-1977 6x	Date	
615-510-3852	05/30/17	
732-226-6282	05/16/17	
732-584-7233	05/10/17	Twice
931-295-0038	02/16/17	
615-510-3852	05/18/17	
615-331-7262 91x		
718-305-4564	10/04/16	
718-305-4564	10/06/16	
732-708-4341	10/10/16	twice
718-305-4564	10/10/16	
732-708-4341	10/14/16	
732-708-4341	10/14/16	
732-708-4341	10/17/16	
718-305-4564	10/17/16	
718-305-4564	10/18/16	twice
718-305-4564	10/18/16	
732-708-4341	10/20/16	
718-305-4564	10/20/16	
718-305-4564	10/25/16	twice
732-708-4341	10/26/16	
718-305-4564	10/26/16	
212-365-5700	11/01/16	5x
828-291-8870	11/01/16	
212-365-5700	11/02/16	
212-365-5700	11/07/16	3x
732-708-4341	11/07/16	
212-365-5700	11/10/16	
732-708-4341	11/14/16	
212-365-5700	11/16/16	2x
212-365-5700	11/18/16	
212-365-5700	11/22/16	
732-708-4341	11/29/16	
718-280-1173	11/30/16	
718-280-1173	12/05/16	2x
718-280-1173	12/06/16	
718-280-1173	12/07/16	2x
718-280-1173	12/07/16	
718-280-1173	12/09/16	
732-926-4173	12/13/16	2x
732-926-4173	12/21/16	
212-365-5700	12/22/16	
732-926-4173	12/27/16	
732-926-4173	12/29/16	
732-926-4173	12/29/16	
732-926-4186	01/09/17	

732-926-4173	01/12/17	
732-926-4186	01/13/17	
732-926-4186	01/16/17	2x
732-926-4173	01/18/17	
732-926-4173	01/25/17	
732-926-4186	02/02/17	
732-926-4173	02/08/17	
732-926-4186	02/14/17	
732-926-4186	02/15/17	
732-926-4186	02/27/17	twice
732-926-4186	02/28/17	
732-926-4186	03/01/17	
732-926-4186	03/06/17	
732-926-4186	03/13/17	2x
732-926-4186	03/15/17	
732-200-1308	04/18/17	
732-200-1308	04/27/17	
732-200-1308	05/02/17	
954-210-8953	05/15/17	
913-284-7706	05/23/17	
954-210-8953	05/24/17	twice
954-210-8953	05/24/17	
954-210-8953	05/26/17	twice
954-210-8953	05/30/17	
954-210-8953	06/01/17	
954-210-8953	06/02/17	
954-210-8953	06/07/17	
954-210-8953	06/13/17	twice
954-210-8953	06/19/17	
954-210-8953	06/20/17	
954-210-8953	06/22/17	
954-210-8953	06/23/17	twice
615-212-9191 1x		
202-969-1619	11/17/16	
615-727-8846 9x		
954-354-2094	06/06/17	
615-510-3852	05/31/17	
615-510-3852	05/30/17	
732-706-8510	05/10/17	
732-653-1016	05/08/17	
732-926-4547	03/16/17	
732-926-4547	03/02/17	
732-926-4547	02/14/17	
732-653-1016	02/06/17	

16. Many of the calls started with a pre-recorded message after several seconds of dead air time. Additionally, each and every call was initiated using an automated telephone dialing system as defined by the TCPA.
17. When the calls connected to an agent, the Plaintiff was told that he was called by Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC or Cashflow Care on behalf of Protection Legal Group or Corporate Bailout. In every call, the Plaintiff noticed a delay between answering the phone and the call connecting with a live person, which is characteristic of an automated telephone dialing system.
18. These are annoying calls, which are being placed as part of a nationwide telemarketing campaign by the Defendants who are engaging in unauthorized practice of law by calling residents in Tennessee and Texas with the intention of providing legal advice, knowing that none of the attorney's are licensed in Tennessee or Texas.
19. The Defendants also used an automated telephone dialing system to call the Plaintiff's cell phone in violation of the TCPA, 47 USC 227(b) and 47 USC 227(c)(5) as codified under 47 CFR 64.1200(d)
20. The calls violated 47 USC 227(b) as the calls were automated and placed to the Plaintiff's cell phone without the Plaintiff's consent and without an emergency purpose.
21. The calls violated 47 CFR 64.1200(d) as the artificial or pre-recorded message failed to state at the beginning of the message the identity of the business, individual, or entity that is responsible for initiating the call. In fact, no name was given for the entity placing the call and even the agents only stated who they were calling from after the Plaintiff asked repeatedly. The calls further violated the subsection as the defendants Defendant Mark D.

Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC all failed to have an internal do-not-call policy and failed to train their agents on the use of an internal do-not-call list.

22. Additionally, in the above referenced telephone calls, Defendants and their agents falsely claimed to have information regarding alleged UCC filings of Plaintiff, which don't exist and were never made. This claim of observing a UCC filing is just part of a script used by the Defendants in order to appear to have the air of legitimacy. When questioned about who filed the UCC filings, where they observed the UCC filings and if the UCC filings contained the Plaintiff's phone number, the agents were unable to answer these simple questions aside from vaguely claiming that someone filed a UCC 1 filing somewhere for something.
23. The Plaintiff alleges a common enterprise between the parties Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC, and therefore alleges direct, joint, and several liability for all calls placed directly by these entities.
24. For calls placed by Cashflow Care, LLC and other 3rd parties hired by Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC to place calls on their behalf and for their benefit, the Plaintiff alleges Vicarious liability under the theory of ratification, apparent authority, and actual authority.

VICARIOUS LIABILITY

1. Defendants Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC are vicariously liable for the actions of the telemarketers selling their products. In fact

Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC know that they have problems with illegal telemarketing calls and they are currently getting sued in a class action for the very same conduct. The calls were placed with apparent authority, actual authority and ratification of Cashflow Care, LLC and other 3rd party telemarketer's actions. Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC each knew of the illegal conduct by the improper telemarketing, and still refused to exercise control or authority over them to reduce or eliminate the improper sales methods.

2. Telemarketing calls were placed on behalf of and with full knowledge of Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC, who permitted dealers to use their trade names, trademarks, website, and gave access to their databases and pricing information. There are formal, contractual agreements between the parties for sales and distribution of their products and services with Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC.
3. Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC were mentioned by name by the agents calling the plaintiff's cellular telephone, emails containing the trade names, BBB profile, and website and phone number were sent to the Plaintiff by telemarketers acting on behalf of Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC

Apparently the lawyers and law firms cooked up a scheme to use fly by night “lead generators” that most likely used computer programs to crawl the internet and scrape phone numbers from websites, press releases, Craigslist, and other sites to make a list of phone numbers to sell as targets for pre-recorded and automated calls. These lists were then taken by Cashflow Care, LLC and other currently unknown telemarketers and used to pitch products/services offered by Defendants.

4. Defendants Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC are each individually liable for the calls placed as the calls were placed on behalf of and for the benefit of Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC. Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC authorized Cashflow Care, LLC and other 3rd party telemarketers to place calls under their individual apparent and actual authority.
5. Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC ratified the conduct of the unknown telemarketers when Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC paid the telemarketers for placing the illegal calls, and leads generated by the 3rd party telemarketers. The agreements presented to consumers by the 3rd party telemarketers are dictated by the terms controlled by Defendant Mark D. Guidubaldi & Associates, LLC, d/b/a Protection Legal Group, LLC, Mark D. Guidubaldi, Sanford J. Feder, and Corporate Bailout, LLC

ACTUAL DAMAGES

22. Plaintiff has suffered actual injury as a result of Defendant's telephone calls, including, but not limited to:

- Reduced Device storage space;
- Data usage;
- Plan usage;
- Lost time tending to and responding to the unsolicited texts;
- Invasion of Privacy and loss of concentration.

CAUSE OF ACTION I:

Violations of the Telephone Consumer Protection Act (TCPA)

Plaintiff hereby incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls or calls with pre-recorded messages without the Plaintiff's consent to the Plaintiff's cell phone in violation of 47 USC 227(b)

CAUSE OF ACTION II:

Violations of the Telephone Consumer Protection Act (TCPA)

Plaintiff hereby incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing telemarketing calls to the Plaintiff without maintaining an internal do-not-call policy list, without identifying the defendants by name in the pre-recorded messages, and not training their employees

or agents engaged in telemarketing on the use of an internal do-not-call list and policy violation of 47 USC 227(c)(5) as codified under 47 CFR 64.1200(d).

PRAYER

1. WHEREFORE, Plaintiff, Cunningham respectfully prays and requests that judgment be entered against Defendants as follows:
2. Statutory damages of \$3,000 for each phone call
3. \$100,000 in actual damages
4. Pre-judgment interest from the date of the phone calls.
5. Injunctive relief enjoining Defendants from placing any further telephone calls to
Plaintiff's mobile telephones.
6. Attorney's fees for bringing this action as incurred;
7. Costs of bringing this action; and
8. For such other and further relief as the Court may deem just and proper.

Dated: June 22, 2017

*/s/ Aaron K. Mulvey*_____

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