

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

DAVID SHAUN NEAL
Plaintiff,

- Against -

RW ORANGE COUNTY LLC
Defendant.

SUMMONS

ORIGINAL FILED ON

____/____/____

2014
INDEX NO

7354

FILED BY CLERK
ORANGE COUNTY
2014 SEP 23 3:07

ORIGINAL FILED

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in the above entitled action and to serve a copy of your Answer on the Plaintiff within 20 days after service of this Summons, exclusive of the day of service, or within 30 days after the completion of service where service is made in any other manner than by personal delivery within the State. In the case of your failure to appear and answer, judgment will be taken against you by default for the relief demanded in the Complaint.

ORANGE County is designated as the place of trial. The basis of venue is the residence of the plaintiff, the substantial business ties and dealings of defendant in the State of New York and the location of the alleged complained of acts.

DATED: SEPTEMBER 16, 2014

COPY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

DAVID SHAUN NEAL
Plaintiff,

- Against -

RW ORANGE COUNTY LLC
Defendant.

COMPLAINT

JURY TRIAL DEMAND

INDEX NO. 014 7354

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ORANGE COUNTY CLERK
2014 SEP 23 P 3:07

Plaintiff David Shaun Neal, pro se, herein complains of the above named Defendant and for his cause of action, alleges as follows:

PARTIES

1. Plaintiff, David Shaun Neal ("Neai") is a natural person and resident in the Town of Tuxedo, County of Orange, New York.

2. Defendant RW Orange County, LLC is a Delaware Limited Liability Company, registered as a New York Foreign Limited Liability Company with a principal place of business at 14 Store Road, Tuxedo, NY 10987.

JURISDICTION

3. The value of claims in this action exceeds the jurisdiction of all lower courts. Plaintiff seeks injunctive relief.

VENUE

COPY

4. Venue in Orange County is proper pursuant to NY CPLR § 503.

FACTUAL BACKGROUND

5. On September 16, 2014 at 7:04pm, plaintiff received a phone call on his cellular phone number 646-509-3146.

6. The caller ID for the phone caller was 845-915-4797. The voice mail at this number responds in the name of the defendant.

7. The call was recorded on plaintiff's cellular voice mail.

8. The call was placed by an automated dialing service.

9. The contents of the call were pre-recorded.

10. Plaintiff has no existing business relationship with defendant.

11. Plaintiff provided no prior consent to defendant to contact plaintiff on his cellular telephone.

12. Plaintiff's cellular phone number was registered on the national Do Not Call Registry on June 23, 2009.

13. Upon information and belief, defendant placed hundreds or thousands of calls to area residents on the night of September 16, 2014.

14. Plaintiff makes the statement in P 13 based upon emails received from friends and neighbors stating that they received the same call as Plaintiff.

FIRST CAUSE OF ACTION – VIOLATION OF 47 U.S.C. 227

15. Plaintiff reincorporates and re-alleges paragraphs 1 to 14 as if included in their entirety.

16. In direct violation of 47 USC 227(b)(1)(A)(iii), defendant made a telephone call using an automatic telephone dialing system with an artificial, pre-recorded voice to plaintiff's telephone number assigned to a cellular telephone service, without prior express consent of plaintiff.

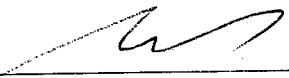
17. Upon information and belief, defendant made hundreds or thousands of calls to area residents in direct violation of 47 USC 227(b)(1)(B) by contacting them on their home phones with the same automatic dialing system using a pre-recorded voice, without prior express consent of any of the people who were called.

18. Defendant's actions were knowing and willful.

19. After limited discovery, plaintiff intends to retain counsel and seek class certification.

WHEREFORE, Plaintiff demands judgment against defendants for the above causes of action:

- A. For an order enjoining defendant from communicating with plaintiff via any means
- B. For civil damages in an amount to be determined at trial
- C. Court Costs
- D. Attorney fees
- E. Punitive damages
- F. Treble damages
- G. Any further, different or additional relief that this Court deems just and proper.



DAVID S NEAL
Plaintiff, Pro Se
18 Susan Court
Tuxedo, NY 10987
(646) 509-3146

9,16,14
DATED