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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**PHILLIP LENDENBAUM,**

Plaintiff,

v.

**DOORDASH, INC.,**

Defendant.

**Case No.:**

**COMPLAINT FOR VIOLATIONS  
OF THE TELEPHONE  
CONSUMER PROTECTION ACT**

**JURY TRIAL DEMANDED**

1. PHILLIP LENDENBAUM (“Plaintiff”) brings this Complaint for damages, injunctive relief, and any other available legal or equitable remedies, resulting from the illegal actions of DOORDASH, INC. (“Defendant”), in negligently and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone using prerecorded messages, in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, (“TCPA”), thereby invading Plaintiff’s privacy. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

2. The TCPA was designed to prevent calls and/or text messages like

1 the ones described herein, and to protect the privacy of citizens like Plaintiff.  
2 “Voluminous consumer complaints about abuses of telephone technology – for  
3 example, computerized calls dispatched to private homes – prompted Congress to  
4 pass the TCPA.” *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

5 3. In enacting the TCPA, Congress intended to give consumers a choice  
6 as to how corporate similar entities may contact them, and made specific findings  
7 that “[t]echnologies that might allow consumers to avoid receiving such calls are  
8 not universally available, are costly, are unlikely to be enforced, or place an  
9 inordinate burden on the consumer. TCPA, Pub.L. No. 102–243, § 11. In support  
10 of this, Congress found that:

11 [b]anning such automated or prerecorded telephone  
12 calls to the home, except when the receiving party  
13 consents to receiving the call or when such calls are  
14 necessary in an emergency situation affecting the health  
15 and safety of the consumer, is the only effective means  
16 of protecting telephone consumers from this nuisance  
17 and privacy invasion.

18 *Id.* at § 12.

19 4. Congress also specifically found that “the evidence presented to the  
20 Congress indicates that automated or prerecorded calls are a nuisance and an  
21 invasion of privacy, regardless of the type of call...” *Id.* at §§ 12-13. See also,  
22 *Mims*, 132 S. Ct. at 744.

### 23 **JURISDICTION AND VENUE**

24 5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §  
25 1331 because Plaintiff’s claims out of violations of federal law.

26 6. Venue is proper in the United States District Court for the Northern  
27 District of California pursuant to 28 U.S.C. § 1391(b) because Defendant  
28 maintains its principal place of business in the Northern District of California and

1 committed a substantial part of the acts giving rise to Plaintiff's claims in this  
2 District.

3 **PARTIES**

4 7. Plaintiff is, and at all times mentioned herein was, a citizen and  
5 resident of the State of Maryland.

6 8. Plaintiff is, and at all times mentioned herein was, a "person" as  
7 defined by 47 U.S.C. § 153(10).

8 9. Defendant is, and at all times mentioned herein was, a corporation of  
9 the State of Delaware, which is registered with the Secretary of State to do  
10 business in the State of California. Defendant maintains its principal place of  
11 business in San Francisco, California.

12 10. Defendant is and at all times mentioned herein was a "person," as  
13 defined by 47 U.S.C. § 153(10).

14 **FACTUAL ALLEGATIONS**

15 11. During or about 2020, Plaintiff was working as a General Manager  
16 for a hotel.

17 12. While Plaintiff was working for the hotel, the hotel used Plaintiff's  
18 cellular phone number ending in -1315 as the contact number for the hotel's  
19 DoorDash deliveries.  
20

21 13. Plaintiff was laid off from the job in 2020.

22 14. After Plaintiff left the job, he received constant calls from Defendant  
23 to his cellular phone which featured prerecorded messages.

24 15. Plaintiff called Defendant and spoke with a supervisor to request that  
25 Defendant stop calling him.

26 16. Additionally, Plaintiff's former employer reached out to Defendant  
27 on Plaintiff's behalf to request that they stop calling Plaintiff.  
28

1 17. Throughout 2021, Defendant continued placing daily calls to  
2 Plaintiff's cellular telephone, featuring the same prerecorded message.

3 18. Plaintiff has repeatedly attempted to block the phone numbers  
4 generating these calls but has been unsuccessful in stopping them, because  
5 whenever Plaintiff blocks a particular number, Defendant continues to call from  
6 new telephone numbers.

7 19. Plaintiff has spoken to multiple supervisors with Defendant, who  
8 have repeatedly assured him that they would fix the issue.

9 20. Despite those assurances, Plaintiff continues to receive bothersome  
10 and harassing calls to his cellular telephone every day, featuring the same  
11 prerecorded message.

12 21. The telephone number that Defendant, or its agents, called was  
13 assigned to a cellular telephone service for which Plaintiff incurs a charge for  
14 incoming calls pursuant to 47 U.S.C. § 227(b)(1).

15 22. These calls constituted calls that were not for emergency purposes as  
16 defined by 47 U.S.C. § 227 (b)(1)(A)(i).

17 23. Defendant's calls violate the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii), in  
18 that they are calls to a recipient within the United States, not made for emergency  
19 purposes or with the prior express consent of Plaintiff, using a prerecorded voice,  
20 to a telephone number assigned to a cellular telephone service for which Plaintiff  
21 is charged for such calls.

22  
23 **FIRST CAUSE OF ACTION**  
24 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER**  
25 **PROTECTION ACT**  
26 **47 U.S.C. § 227 ET SEQ.**

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

1           25. The foregoing acts and omissions of Defendant constitute numerous  
2 and multiple negligent violations of the TCPA, including but not limited to each  
3 and every one of the above-cited provisions of 47 U.S.C. § 227 *et seq.*

4           26. As a result of Defendant’s negligent violations of 47 U.S.C. § 227 *et*  
5 *seq.*, Plaintiff is entitled to an award of \$500.00 in statutory damages, for each  
6 and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

7           27. Plaintiff is also entitled to and seeks injunctive relief prohibiting  
8 such conduct in the future.

9  
10                               **SECOND CAUSE OF ACTION**  
11           **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE**  
12                               **CONSUMER PROTECTION ACT**  
  **47 U.S.C. § 227 ET SEQ.**

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

15           29. The foregoing acts and omissions of Defendant constitute numerous  
16 and multiple knowing and/or willful violations of the TCPA, including but not  
17 limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 *et*  
18 *seq.*

19           30. As a result of Defendant’s knowing and/or willful violations of 47  
20 U.S.C. § 227 *et seq.*, Plaintiff is entitled to an award of \$1,500.00 in statutory  
21 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(C).

22           31. Plaintiff is also entitled to and seeks injunctive relief prohibiting  
23 such conduct in the future.

24                               **PRAYER FOR RELIEF**

25           Wherefore, Plaintiff respectfully requests the Court grant Plaintiff the  
26 following relief against Defendant:  
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**FIRST CAUSE OF ACTION  
NEGLIGENT VIOLATIONS OF THE TCPA  
47 U.S.C. § 227 ET SEQ.**

32. As a result of Defendant's negligent violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks \$500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

33. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.

34. Any other relief the Court may deem just and proper.

**SECOND CAUSE OF ACTION  
KNOWING AND/OR WILLFUL VIOLATIONS OF THE TCPA  
47 U.S.C. § 227 ET SEQ.**

35. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(C).

36. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such conduct in the future.

37. Any other relief the Court may deem just and proper.

**TRIAL BY JURY**

38. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted on January 24, 2023.

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Law Offices of Todd M. Friedman  
Attorney for Plaintiff