

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:16-cv-01283-JM-MDD**

Romero et al v. Securus Technologies, Inc.  
Assigned to: Judge Jeffrey T. Miller  
Referred to: Magistrate Judge Mitchell D. Dembin  
Cause: 47:0227(b)(3) Telephone Consumer Protection Act of 1991

Date Filed: 05/27/2016  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Juan Romero**  
*on behalf of himself, and all others  
similarly situated*

represented by **Robert Teel**  
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**TERMINATED: 12/29/2016**

**Plaintiff**

**Frank Tiscareno**  
*on behalf of himself, and all others  
similarly situated*

represented by **Robert Teel**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ronald Marron**  
(See above for address)  
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**William Bradford Richards , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Beatrice Skye Resendes**  
 (See above for address)  
 TERMINATED: 12/29/2016

**Plaintiff**

**Kenneth Elliott**

represented by **Robert Teel**  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Ronald Marron**  
 (See above for address)  
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**William Bradford Richards , Jr.**  
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**Beatrice Skye Resendes**  
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 TERMINATED: 12/29/2016

V.

**Defendant**

**Securus Technologies, Inc.**

represented by **Adam R Fox**  
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Date Filed	#	Docket Text
05/27/2016	<u>1</u>	COMPLAINT with Jury Demand against Securus Technologies, Inc. ( Filing fee \$ 400 receipt number 0974-9103532.), filed by Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Civil Cover Sheet)  The new case number is 3:16-cv-1283-JM-MDD. Judge Jeffrey T. Miller and Magistrate Judge Mitchell D. Dembin are assigned to the case. (Marron, Ronald)(fth) (Attachment 1 replaced on 5/27/2016) (fth). (jao). (Entered: 05/27/2016)
05/27/2016	<u>2</u>	Summons Issued. <b>Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1.</b> (fth)(jao). (Entered: 05/27/2016)
07/05/2016	<u>3</u>	NOTICE of Party With Financial Interest by Securus Technologies, Inc. (Fox, Adam)(rlu). (Entered: 07/05/2016)
07/05/2016	<u>4</u>	MOTION to Dismiss by Securus Technologies, Inc.. (Attachments: # <u>1</u> Declaration of Ian Jones in Supprot of Securus's Motion to Dismiss)(Fox, Adam)Attorney Adam R Fox added to party Securus Technologies, Inc.(pty:dft) (rlu). (Entered: 07/05/2016)
07/05/2016	<u>5</u>	MOTION to Strike <u>4</u> MOTION to Dismiss by Securus Technologies, Inc.. (Attachments: # <u>1</u> Appendix of Electronic Authorities Cited in Support of Securus's

		Motion to Dismiss and Motion to Strike with Exhibits 1–10, # <u>2</u> Appendix of Electronic Authorities Cited in Support of Securus's Motion to Dismiss and Motion to Strike with Exhibits 11–20)(Fox, Adam) (rlu). (Entered: 07/05/2016)
07/11/2016	<u>6</u>	Minute Order by Judge Jeffrey T. Miller: Motion Hearing as to <u>5</u> MOTION to Strike, <u>4</u> MOTION to Dismiss, set for 8/22/2016 is vacated and continued to 9/12/2016 10:00 AM in Courtroom 5D before Judge Jeffrey T. Miller (no document attached) (gac) (Entered: 07/11/2016)
07/14/2016	<u>7</u>	NOTICE of Appearance by Robert Teel on behalf of Juan Romero, Frank Tiscareno (Attachments: # <u>1</u> Proof of Service)(Teel, Robert)Attorney Robert Teel added to party Juan Romero(pty:pla), Attorney Robert Teel added to party Frank Tiscareno(pty:pla) (rlu). (Entered: 07/14/2016)
07/26/2016	<u>8</u>	AMENDED COMPLAINT with Jury Demand against All Defendants, filed by Juan Romero, Frank Tiscareno, Kenneth Elliott. (Attachments: # <u>1</u> Proof of Service) (Teel, Robert) (dls). (Entered: 07/26/2016)
08/04/2016	<u>9</u>	Joint MOTION for Extension of Time to File Answer re <u>8</u> Amended Complaint by Securus Technologies, Inc.. (Attachments: # <u>1</u> Proposed Order)(Fox, Adam) qc email re proposed order on 8/5/2016 (rlu). (Entered: 08/04/2016)
08/08/2016	<u>10</u>	ORDER Granting <u>9</u> Joint Motion to Extend Defendant's Time to Respond to Plaintiffs' First Amended Complaint. Defendant must answer or otherwise respond to Plaintiffs' first amended complaint by 8/26/2016. Defendant's motions to dismiss and strike (Doc. Nos. <u>4</u> and <u>5</u> ) are denied as moot in light of Plaintiffs' first amended complaint. Signed by Judge Jeffrey T. Miller on 8/8/2016. (rlu) (Entered: 08/08/2016)
08/26/2016	<u>11</u>	MOTION to Dismiss by Securus Technologies, Inc.. (Attachments: # <u>1</u> Declaration of Ian Jones in support of Motion to Dismiss, # <u>2</u> Request for Judicial Notice in support of Motion to Dismiss)(Fox, Adam) (rlu). (Entered: 08/26/2016)
08/26/2016	<u>12</u>	MOTION to Strike by Securus Technologies, Inc.. (Attachments: # <u>1</u> Appendix in support of Motion to Dismiss and Motion to Strike)(Fox, Adam) (rlu). (Entered: 08/26/2016)
09/15/2016	<u>13</u>	Joint MOTION for Leave to File Excess Pages by Kenneth Elliott, Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Proof of Service)(Marron, Ronald)Attorney Ronald Marron added to party Kenneth Elliott(pty:pla) (rlu). (Entered: 09/15/2016)
09/15/2016	<u>14</u>	ORDER granting <u>13</u> Motion for Leave to Exceed the Page Limitation. The Court grants leave to file (1) a 30–page memorandum by Plaintiff in opposition to Defendants Motion to Dismiss Plaintiffs First Amended Complaint (Defendants Motion); and (2) a 13–page reply memorandum by Defendant in support of Defendants Motion. Signed by Judge Jeffrey T. Miller on 9/15/2016. (acc) (Entered: 09/15/2016)
09/19/2016	<u>15</u>	NOTICE of Appearance by Beatrice Skye Resendes on behalf of Kenneth Elliott, Juan Romero, Frank Tiscareno (Attachments: # <u>1</u> Proof of Service)(Resendes, Beatrice)Attorney Beatrice Skye Resendes added to party Kenneth Elliott(pty:pla), Attorney Beatrice Skye Resendes added to party Juan Romero(pty:pla), Attorney Beatrice Skye Resendes added to party Frank Tiscareno(pty:pla) (rlu). (Entered: 09/19/2016)
09/19/2016	<u>16</u>	RESPONSE in Opposition re <u>12</u> MOTION to Strike filed by Kenneth Elliott, Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Proof of Service)(Resendes, Beatrice) (rlu). (Entered: 09/19/2016)
09/19/2016	<u>17</u>	RESPONSE in Opposition re <u>11</u> MOTION to Dismiss filed by Kenneth Elliott, Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Request for Judicial Notice, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Declaration of Christina Rivas, # <u>8</u> Proof of Service)(Teel, Robert) (rlu). (Entered: 09/19/2016)
09/26/2016	<u>18</u>	REPLY to Response to Motion re <u>11</u> MOTION to Dismiss filed by Securus Technologies, Inc.. (Attachments: # <u>1</u> Declaration of Ian Jones, # <u>2</u> Opposition to Plaintiffs' Request for Judicial Notice)(Fox, Adam) (rlu). (Entered: 09/26/2016)

09/26/2016	<u>19</u>	REPLY to Response to Motion re <u>12</u> MOTION to Strike filed by Securus Technologies, Inc.. (Attachments: # <u>1</u> Supplemental Appendix of Electronic Authorities)(Fox, Adam) (rlu). (Entered: 09/26/2016)
09/27/2016	20	Minute Order by Judge Jeffrey T. Miller: Submitting, <u>12</u> MOTION to Strike, <u>11</u> MOTION to Dismiss. Motion Hearing set for 10/3/2016 10:00 AM before Judge Jeffrey T. Miller is vacated. Written order to follow. (no document attached) (gac) (Entered: 09/27/2016)
10/24/2016	<u>21</u>	ORDER Granting in part and Denying in part Defendant's <u>11</u> Motion to Dismiss and Denying Defendant's <u>12</u> Motion to Strike Class Allegations. The court dismisses, with leave to amend, Plaintiffs' Fourth Cause of Action (Fraud and Intentional Misrepresentation). The court dismisses, without leave to amend, Plaintiffs' Seventh Cause of Action (Conversion). The court denies the remainder of Defendant's motion to dismiss, and the court denies Defendant's motion to strike. If Plaintiffs wish to file a second amended complaint to address their claim for intentional misrepresentation, they must do so within fourteen days of the entry of this order. Signed by Judge Jeffrey T. Miller on 10/24/2016. (rlu) (Entered: 10/24/2016)
11/07/2016	<u>22</u>	SECOND AMENDED COMPLAINT with Jury Demand against Securus Technologies, Inc., filed by Juan Romero, Frank Tiscareno, Kenneth Elliott. (Attachments: # <u>1</u> Proof of Service) (Teel, Robert) (kas). (Entered: 11/07/2016)
11/25/2016	<u>23</u>	MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint</i> by Securus Technologies, Inc.. (Attachments: # <u>1</u> Appendix Appendix of Electronic Authorities)(Fox, Adam) (rlu). (Entered: 11/25/2016)
12/29/2016	<u>24</u>	Notice to Withdraw as Attorney by Kenneth Elliott, Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Proof of Service)(Resendes, Beatrice) (rlu). Modified on 1/3/2017 to change event type (rlu). (Entered: 12/29/2016)
01/06/2017	<u>25</u>	NOTICE of Appearance by William Bradford Richards, Jr on behalf of Kenneth Elliott, Juan Romero, Frank Tiscareno (Attachments: # <u>1</u> Proof of Service)(Richards, William)Attorney William Bradford Richards, Jr added to party Kenneth Elliott(pty:pla), Attorney William Bradford Richards, Jr added to party Juan Romero(pty:pla), Attorney William Bradford Richards, Jr added to party Frank Tiscareno(pty:pla) (fth). (Entered: 01/06/2017)
01/09/2017	<u>26</u>	RESPONSE in Opposition re <u>23</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint</i> filed by Kenneth Elliott, Juan Romero, Frank Tiscareno. (Attachments: # <u>1</u> Request for Judicial Notice, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Proof of Service)(Teel, Robert) (fth). (Entered: 01/09/2017)
01/13/2017	27	Minute Order by Judge Jeffrey T. Miller: Submitting <u>23</u> MOTION to Dismiss Plaintiffs' Second Amended Complaint. Motion Hearing set for 1/23/2017 10:00 AM before Judge Jeffrey T. Miller is vacated. Written order to follow. (no document attached) (gac) (Entered: 01/13/2017)
01/13/2017	<u>28</u>	REPLY – Other re <u>23</u> MOTION to Dismiss <i>Plaintiffs' Second Amended Complaint</i> filed by Securus Technologies, Inc.. (Attachments: # <u>1</u> Opposition to Plaintiffs' Request for Judicial Notice, # <u>2</u> Appendix in Support of Defendant Securus Technologies, Inc.'s Reply)(Mork, Marisol) (Entered: 01/13/2017)
01/26/2017	<u>29</u>	ORDER Granting in part and Denying in Part Defendant's <u>23</u> Motion to Dismiss Second Amended Complaint. The court denies Defendant's motion as to the 5/29/2012, "Customer Integrity Pledge" and 11/13/2015, press release, and grants Defendant's motion as to any information conveyed to the Sheriff. If Plaintiff can satisfy Rule 9(b) and California law in alleging specific misrepresentations that Defendant made to the Sheriff, it may file an amended complaint within fourteen days of this order. Signed by Judge Jeffrey T. Miller on 1/26/2017. (rlu) (Entered: 01/27/2017)
02/08/2017	<u>30</u>	THIRD AMENDED COMPLAINT with Jury Demand <i>Third Amended Complaint</i> against All Defendants, filed by Juan Romero, Frank Tiscareno, Kenneth Elliott. (Attachments: # <u>1</u> Proof of Service) (Teel, Robert) (rlu). (Entered: 02/08/2017)