

IN THE DISTRICT COURT

CLEVELAND COUNTY, STATE OF OKLAHOMA FEB 11 2000

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Rhonda Hall, Court Clerk

DEPUTY

ROBERT H. BRAVER,
Plaintiff,

vs.

NAMES TODAY, INCORPORATED,
d/b/a
BULKREGISTER.COM,
Defendant.

Case No. CG-2000-201 L

PETITION

COMES NOW the Plaintiff, and for cause of action against said Defendant states:

1. On or about February 9, 2000, Robert Braver (hereinafter "Plaintiff ") received an unsolicited telemarketing call on his cellular telephone. The call was a prerecorded message transmitted by or on behalf of Names Today, Incorporated, d/b/a BULKREGISTER.COM (hereinafter "Defendant"), advertising the availability of its Internet domain name registration services.

2. The message did not include the telephone number or address of the business, other entity, or individual initiating the call.

3. On February 10, 2000, Plaintiff received another call identical to the February 9 call. This call was received on one of Plaintiffs residential telephone lines at approximately 8:00 P.M.

4. The message did not include the telephone number or address of the business, other entity, or individual initiating the call.
5. Defendant's February 9 call violated 47 CFR § 64.1200(a)(1)(iii).
6. Defendant's February 9 call violated 47 CFR § 64.1200(d)(2).
7. Defendant's February 9 call violated the Oklahoma Consumer Protection Act, principally at 15 O.S. § 755.1.
8. Defendant's February 9 call violated 21 O.S. § 1847a.
9. Defendant's February 10 call violated 47 CFR § 64.1200(a)(2).
10. Defendant's February 10 call violated 47 CFR § 64.1200(d)(2).
11. Defendant's February 10 call violated the Oklahoma Consumer Protection Act, principally at 15 O.S. § 755.1.
12. Defendant's February 10 call violated 21 O.S. § 1847a.
13. Under the Telephone Consumer Protection Act of 1991 ("TCPA"), specifically at 47 USC § 227(b)(3), Plaintiff is entitled to bring an action to enjoin further violations, and to receive the greater of \$500 or actual damages for each violation.
14. Defendant willfully or knowingly violated the regulations prescribed under 47 USC § 227(b) and therefore should be required to pay three times the amount of available damages under 47 USC § 227(b)(3)(B).
15. Under 15 O.S. § 761 .1, Plaintiff is entitled to a private right of action to seek actual damages and up to \$2,000 per violation of the Oklahoma Consumer Protection Act.

WHEREFORE, plaintiff prays for judgment of this Court against Defendant in an amount in excess of \$10,000.00, plus court costs and attorney's fees; and for an order enjoining Defendants from making further telemarketing calls in violation of the regulations prescribed under the TCPA or the Oklahoma Consumer Protection Act to Plaintiff or any other person.



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