

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 Adam R. Fox (State Bar # 220584)  
adam.fox@squirepb.com  
2 Marisol C. Mork (State Bar # 265170)  
Marisol.mork@squirepb.com  
3 Chassica Soo (State Bar # 287427)  
chassica.soo@squirepb.com  
4 SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
5 Los Angeles, California 90071  
Telephone: +1 213 624 2500  
6 Facsimile: +1 213 623 4581

7 Gretchen A. Ramos (State Bar # 198689)  
gretchen.ramos@squirepb.com  
8 Tania L Rice (State Bar # 294387)  
tania.rice@squirepb.com  
9 SQUIRE PATTON BOGGS (US) LLP  
44 Montgomery Street, Suite 400  
10 San Francisco, California 94104  
Telephone: +1 415 989 5900  
11 Facsimile: +1 415 989 0932

12 Attorneys for Defendant  
Securus Technologies, Inc.  
13  
14

15 UNITED STATES DISTRICT COURT  
16 SOUTHERN DISTRICT OF CALIFORNIA  
17

18 JUAN ROMERO, FRANK  
19 TISCARENO, and KENNETH  
ELLIOTT, on behalf of themselves, and  
20 all others similarly situated,

21 Plaintiff,

22 v.

23 SECURUS TECHNOLOGIES, INC,

24 Defendant.  
25  
26  
27  
28

Case No. 3:16-cv-01283-JM-MDD

**CLASS ACTION**

**ANSWER OF DEFENDANT  
SECURUS TECHNOLOGIES, INC.  
TO PLAINTIFFS' THIRD  
AMENDED COMPLAINT**

Judge: Hon. Jeffrey T. Miller

**DEMAND FOR JURY TRIAL**

1 Defendant Securus Technologies, Inc. (“Securus”) hereby answers the  
2 Third Amended Complaint (“TAC”) filed by Juan Romero, Frank Tiscareno, and  
3 Kenneth Elliott (“Plaintiffs”) as follows:

4 **INTRODUCTION**

5 1. In response to paragraph 1 of the TAC, Securus denies the  
6 allegations to the extent they are directed towards Securus. To the extent the  
7 allegations are a legal conclusion, no response is required. Securus lacks  
8 sufficient knowledge, information, or belief to truthfully admit or deny the other  
9 allegations contained in paragraph 1 and therefore denies them.

10 **JURISDICTION AND VENUE**

11 2. In response to paragraph 2 of the TAC, Securus admits that  
12 Plaintiffs purport to invoke the jurisdiction of this Court as described in that  
13 paragraph. To the extent the allegations in paragraph 2 are a legal conclusion, no  
14 response is required.

15 3. In response to paragraph 3 of the TAC, Securus admits that  
16 Plaintiffs purport to invoke the jurisdiction of this Court as described in that  
17 paragraph. To the extent the allegations in paragraph 3 are a legal conclusion, no  
18 response is required.

19 4. In response to paragraph 4 of the TAC, Securus admits that  
20 Plaintiffs purport to invoke the jurisdiction of this Court as described in that  
21 paragraph. Securus admits that it is registered to, and does, conduct business in  
22 California. The remaining allegations are not factual and amount to legal  
23 conclusions to which no response is required. Nonetheless, to the extent the  
24 allegations in paragraph 4 can be construed to be factual in nature, Securus  
25 denies them except as expressly admitted.

26 5. In response to paragraph 5 of the TAC, Securus admits that  
27 Plaintiffs assert that venue is proper in this District as described in that paragraph.  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 To the extent the allegations in paragraph 5 are a legal conclusion, no response is  
2 required.

3 **PARTIES**

4 6. In response to paragraph 6 of the TAC, Securus lacks sufficient  
5 knowledge, information, or belief to truthfully admit or deny the allegations and  
6 therefore denies them.

7 7. In response to paragraph 7 of the TAC, Securus lacks sufficient  
8 knowledge, information, or belief to truthfully admit or deny the allegations and  
9 therefore denies them.

10 8. In response to paragraph 8 of the TAC, Securus lacks sufficient  
11 knowledge, information, or belief to truthfully admit or deny the allegations and  
12 therefore denies them.

13 9. In response to paragraph 9 of the TAC, Securus admits that it is a  
14 Delaware corporation. Securus's principal place of business is located at 4000  
15 International Parkway, Carrollton, TX 75007.

16 **SUMMARY AND COMMON FACTUAL ALLEGATIONS**

17 10. In response to paragraph 10 of the TAC, Securus denies the  
18 allegations to the extent they are directed towards Securus. To the extent they  
19 amount to a legal conclusion, no response is required. Securus lacks sufficient  
20 knowledge, information, or belief to truthfully admit or deny the other allegations  
21 contained in paragraph 10 and therefore denies them.

22 11. In response to paragraph 11 of the TAC, Securus denies the  
23 allegations to the extent they are directed towards Securus. To the extent they  
24 amount to a legal conclusion, no response is required. Securus lacks sufficient  
25 knowledge, information, or belief to truthfully admit or deny the other allegations  
26 contained in paragraph 11 and therefore denies them.

27 12. In response to paragraph 12 of the TAC, Securus admits that it  
28 provides inmate communication services to correctional facilities in San Diego

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 County, San Bernardino County, and Riverside County. Securus denies any  
2 remaining allegations.

3 13. In response to paragraph 13 of the TAC, Securus admits that its  
4 website currently states that it is “the largest inmate communications provider.”  
5 Securus denies any remaining allegations.

6 14. In response to paragraph 14 of the TAC, Securus denies the  
7 allegations.

8 15. In response to paragraph 15 of the TAC, Securus denies the  
9 allegations.

10 16. In response to paragraph 16 of the TAC, Securus admits that one  
11 brochure includes the quoted language. Securus denies the remaining allegations.

12 17. In response to paragraph 17 of the TAC, Securus admits that its  
13 website currently includes the language in bullet points. Securus denies the  
14 remaining allegations.

15 18. In response to paragraph 18 of the TAC, Securus denies the  
16 allegations.

17 19. In response to paragraph 19 of the TAC, Securus denies the  
18 allegations.

19 20. In response to paragraph 20 of the TAC, the allegations are not  
20 factual and instead amount to a legal conclusion to which no response is required.  
21 Nonetheless, to the extent the allegations in paragraph 20 can be construed to be  
22 factual in nature, Securus denies them.

23 21. In response to paragraph 21 of the TAC, the allegations are not  
24 factual and instead amount to a legal conclusion to which no response is required.  
25 Nonetheless, to the extent the allegations in paragraph 21 can be construed to be  
26 factual in nature, Securus denies them.

27 22. In response to paragraph 22 of the TAC, Securus denies the  
28 allegations to the extent they are directed towards Securus. Securus lacks

1 sufficient knowledge, information, or belief to truthfully admit or deny the other  
2 allegations contained in paragraph 22 and therefore denies them.

3 23. In response to paragraph 23 of the TAC, Securus admits that it has a  
4 call management system called, "Secure Call Platform." Securus admits that the  
5 quoted language currently appears on its website. Securus denies the remaining  
6 allegations.

7 24. In response to paragraph 24 of the TAC, on its website, Securus  
8 states: "We do not sell, trade, or otherwise transfer to outside parties your  
9 personally identifiable information, with the exception of trusted third parties  
10 who assist us in operating our website, conducting our business, or providing  
11 service to your account, so long as those parties agree to keep this information  
12 confidential. We may also release your information as required by law, to enforce  
13 our website policies, or protect our or others rights, property, or safety." Securus  
14 denies the remaining allegations.

15 25. In response to paragraph 25 of the TAC, Securus denies the  
16 allegations.

17 26. In response to paragraph 26 of the TAC, Securus denies the  
18 allegations to the extent they are directed towards Securus. To the extent they  
19 amount to a legal conclusion, no response is required.

20 27. In response to paragraph 27 of the TAC, Securus denies the  
21 allegations to the extent they are directed towards Securus. To the extent they  
22 amount to a legal conclusion, no response is required. Securus lacks sufficient  
23 knowledge, information, or belief to truthfully admit or deny the other allegations  
24 and therefore denies them.

25 28. In response to paragraph 28 of the TAC, Securus denies the  
26 allegations to the extent they are directed towards Securus. Securus lacks  
27 sufficient knowledge, information, or belief to truthfully admit or deny the other  
28 allegations 28 and therefore denies them.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1           29. In response to paragraph 29 of the TAC, Securus denies the  
2 allegations to the extent they are directed towards Securus. To the extent they  
3 amount to a legal conclusion, no response is required.

4           30. In response to paragraph 30 of the TAC, Securus admits the quoted  
5 language currently appears on its website. Securus specifically denies that it  
6 collects intelligence from more than 2,600 law enforcement and correction  
7 agencies. Securus denies the remaining allegations.

8           31. In response to paragraph 31 of the TAC, Securus admits the quoted  
9 language currently appears on its website. Securus denies the remaining  
10 allegations.

11           32. In response to paragraph 32 of the TAC, Securus denies the  
12 allegations.

13           33. In response to paragraph 33 of the TAC, Securus denies the  
14 allegations.

15           34. In response to paragraph 34 of the TAC, Securus denies the  
16 allegations.

17           35. In response to paragraph 35 of the TAC, Securus denies the  
18 allegations to the extent they are directed towards Securus. Securus lacks  
19 sufficient knowledge, information, or belief to truthfully admit or deny the other  
20 allegations and therefore denies them.

21           36. In response to paragraph 36 of the TAC, Securus admits the quoted  
22 language appeared on one of its press releases. Securus denies the remaining  
23 allegations.

24           37. In response to paragraph 37 of the TAC, Securus denies the  
25 allegations in the paragraph.

26           38. In response to paragraph 38 of the TAC, Securus lacks sufficient  
27 knowledge, information, or belief to truthfully admit or deny the other allegations  
28 contained in paragraph 38 and therefore denies them.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1           39. In response to paragraph 39 of the TAC, Securus lacks sufficient  
2 knowledge, information, or belief to truthfully admit or deny the other allegations  
3 contained in paragraph 39 and therefore denies them.

4           40. In response to paragraph 40 of the TAC, Securus lacks sufficient  
5 knowledge, information, or belief to truthfully admit or deny the other allegations  
6 and therefore denies them.

7           41. In response to paragraph 41 of the TAC, Securus lacks sufficient  
8 knowledge, information, or belief to truthfully admit or deny the other allegations  
9 and therefore denies them.

10          42. In response to paragraph 42 of the TAC, Securus lacks sufficient  
11 knowledge, information, or belief to truthfully admit or deny the other allegations  
12 and therefore denies them.

13          43. In response to paragraph 43 of the TAC, Securus denies the  
14 allegations.

15          44. In response to paragraph 44 of the TAC, Securus lacks sufficient  
16 knowledge, information, or belief to truthfully admit or deny the other allegations  
17 and therefore denies them.

18          45. In response to paragraph 45 of the TAC, Securus lacks sufficient  
19 knowledge, information, or belief to truthfully admit or deny the other allegations  
20 and therefore denies them.

21          46. In response to paragraph 46 of the TAC, Securus admits that its  
22 records reflect that Plaintiff Romero placed 85 calls to 619-231-0401. Securus  
23 lacks sufficient knowledge, information, or belief to truthfully admit or deny the  
24 other allegations and therefore denies them.

25          47. In response to paragraph 47 of the TAC, Securus admits that its  
26 records reflect that Plaintiff Romero placed 8 calls to 619-338-4700. Securus  
27 lacks sufficient knowledge, information, or belief to truthfully admit or deny the  
28 other allegations and therefore denies them.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1           48. In response to paragraph 48 of the TAC, Securus admits that its  
2 records reflect that Plaintiff Tiscareno placed 3 calls to 619-231-0401. Securus  
3 lacks sufficient knowledge, information, or belief to truthfully admit or deny the  
4 other allegations and therefore denies them.

5           49. In response to paragraph 49 of the TAC, Securus admits that the  
6 quoted language appears on an April 14, 2014 email between Frank Clamser and  
7 Marlon Miller.

8           50. In response to paragraph 50 of the TAC, Securus admits that the  
9 quoted language appears on an April 29, 2014 email between Frank Clamser and  
10 Christopher Hudson.

11           51. In response to paragraph 51 of the TAC, Securus admits that the  
12 quoted language appears on a May 21, 2014 email between Frank Clamser and  
13 Christopher Hudson.

14           52. In response to paragraph 52 of the TAC, Securus denies the  
15 allegations.

16           53. In response to paragraph 53 of the TAC, Securus denies the  
17 allegations.

18           54. In response to paragraph 54 of the TAC, Securus admits that the  
19 quoted language appears on an April 2, 2014 email between Frank Clamser and  
20 Christopher Hudson.

21           55. In response to paragraph 55 of the TAC, Securus admits that the  
22 quoted language appears on a June 12, 2014 email between Frank Clamser and  
23 Christopher Hudson.

24           56. In response to paragraph 56 of the TAC, Securus admits that the  
25 quoted language appears on a June 17, 2014 email between Frank Clamser and  
26 Christopher Hudson.

27  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071



1           57. In response to paragraph 57 of the TAC, Securus admits that the  
2 quoted language appears on a July 18, 2014 email between Frank Clamser and  
3 Christopher Hudson.

4           58. In response to paragraph 58 of the TAC, Securus admits that the  
5 quoted language appears on an August 5, 2014 email between Frank Clamser and  
6 Christopher Hudson.

7           59. In response to paragraph 59 of the TAC, Securus denies the  
8 allegations in the paragraph.

9           60. In response to paragraph 60 of the TAC, Securus admits that the  
10 quoted language appears on an August 21, 2014 email between Frank Clamser  
11 and Securus Technical Support.

12           61. In response to paragraph 61 of the TAC, Securus admits that the  
13 quoted language appears on a March 25, 2014 email between Frank Clamser and  
14 Kristopher Aldeman.

15           62. In response to paragraph 62 of the TAC, Securus lacks sufficient  
16 knowledge, information, or belief to truthfully admit or deny the allegations and  
17 therefore denies them.

18           63. In response to paragraph 63 of the TAC, Securus lacks sufficient  
19 knowledge, information, or belief to truthfully admit or deny the allegations and  
20 therefore denies them.

21           64. In response to paragraph 64 of the TAC, Securus admits that the  
22 quoted language appears on a November 13, 2015 email between Frank Clamser  
23 and Kristopher Aldeman.

24           65. In response to paragraph 65 of the TAC, Securus denies the  
25 allegations.

26           66. In response to paragraph 66 of the TAC, Securus denies the  
27 allegations.  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1           67. In response to paragraph 67 of the TAC, Securus denies the  
2 allegations.

3           68. In response to paragraph 68 of the TAC, Securus denies the  
4 allegations.

5           69. In response to paragraph 69 of the TAC, Securus denies the  
6 allegations.

7           70. In response to paragraph 70 of the TAC, Securus denies the  
8 allegations.

9           71. In response to paragraph 71 of the TAC, Securus denies the  
10 allegations.

11           72. In response to paragraph 72 of the TAC, Securus denies the  
12 allegations.

13           73. In response to paragraph 73 of the TAC, the allegations are not  
14 factual and instead amount to a legal conclusion to which no response is required.  
15 Nonetheless, to the extent the allegations in paragraph 73 can be construed to be  
16 factual in nature, Securus denies it.

17           74. In response to paragraph 74 of the TAC, the allegations are not  
18 factual and instead amount to a legal conclusion to which no response is required.

19           75. In response to paragraph 75 of the TAC, Securus denies the  
20 allegations.

21           76. In response to paragraph 76 of the TAC, Securus denies the  
22 allegations.

23           77. In response to paragraph 77 of the TAC, Securus denies the  
24 allegations to the extent they are directed towards Securus. To the extent they  
25 amount to a legal conclusion, no response is required.

26           78. In response to paragraph 78 of the TAC, Securus denies the  
27 allegations.  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071





1 98. In response to paragraph 98 of the TAC, the allegations are not  
2 factual and require no response.

3 99. In response to paragraph 99 of the TAC, the allegations are not  
4 factual and require no response.

5 100. In response to paragraph 100 of the TAC, the allegations are not  
6 factual and instead amount to a legal conclusion to which no response is required.  
7 Nonetheless, to the extent the allegations in paragraph 100 can be construed to be  
8 factual in nature, Securus denies them.

9 101. In response to paragraph 101 of the TAC, the allegations are not  
10 factual and instead amount to a legal conclusion to which no response is required.  
11 Nonetheless, to the extent the allegations in paragraph 101 can be construed to be  
12 factual in nature, Securus denies them.

13 102. In response to paragraph 102 of the TAC, the allegations are not  
14 factual and instead amount to a legal conclusion to which no response is required.  
15 Nonetheless, to the extent paragraph 102 can be construed to be factual in nature,  
16 Securus denies them.

17 103. In response to paragraph 103 of the TAC, the allegations are not  
18 factual and instead amount to a legal conclusion to which no response is required.  
19 Nonetheless, to the extent the allegations in paragraph 103 can be construed to be  
20 factual in nature, Securus denies them.

21 104. In response to paragraph 104 of the TAC, the allegations are not  
22 factual and instead amount to a legal conclusion to which no response is required.  
23 Nonetheless, to the extent the allegations in paragraph 104 can be construed to be  
24 factual in nature, Securus denies them.

25 105. In response to paragraph 105 of the TAC, the allegations are not  
26 factual and instead amount to a legal conclusion to which no response is required.  
27 Nonetheless, to the extent the allegations in paragraph 105 can be construed to be  
28 factual in nature, Securus denies them.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 106. In response to paragraph 106 of the TAC, the allegations are not  
2 factual and instead amount to a legal conclusion to which no response is required.  
3 Nonetheless, to the extent the allegations in paragraph 106 can be construed to be  
4 factual in nature, Securus denies them.

5 **FIRST CAUSE OF ACTION**

6 **Violation of the California Invasion of Privacy Act**

7 **Cal. Penal Code §§ 630, *et seq.***

8 **(On behalf of the Plaintiffs Individually and the Class)**

9 107. In response to paragraph 107, Securus incorporates the foregoing  
10 answers.

11 108. In response to paragraph 108 of the TAC, the allegations are not  
12 factual and instead amount to a legal conclusion to which no response is required.  
13 Nonetheless, to the extent the allegations in paragraph 108 can be construed to be  
14 factual in nature, Securus denies them.

15 109. In response to paragraph 109 of the TAC, Securus denies the  
16 allegations.

17 110. In response to paragraph 110 of the TAC, the allegations are not  
18 factual and instead amount to a legal conclusion to which no response is required.  
19 Nonetheless, to the extent the allegations in paragraph 110 can be construed to be  
20 factual in nature, Securus denies them.

21 111. In response to paragraph 111 of the TAC, the allegations are not  
22 factual and instead amount to a legal conclusion to which no response is required.  
23 Nonetheless, to the extent the allegations in paragraph 111 can be construed to be  
24 factual in nature, Securus denies them.

25 112. In response to paragraph 112 of the TAC, Securus denies the  
26 allegations.

27 113. In response to paragraph 113 of the TAC, Securus denies the  
28 allegations.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 114. In response to paragraph 114 of the TAC, Securus denies the  
2 allegations.

3 115. In response to paragraph 115 of the TAC, Securus denies the  
4 allegations.

5 116. In response to paragraph 116 of the TAC, the allegations are not  
6 factual and instead amount to a legal conclusion to which no response is required.  
7 Nonetheless, to the extent the allegations in paragraph 116 can be construed to be  
8 factual in nature, Securus denies them.

9 117. In response to paragraph 117 of the TAC, the allegations are not  
10 factual and require no response.

11 118. In response to paragraph 118 of the TAC, Securus denies the  
12 allegations to the extent they are directed towards Securus. The remaining  
13 allegations are not factual and require no response.

14 119. In response to paragraph 119 of the TAC, Securus denies the  
15 allegations to the extent they are directed towards Securus. The remaining  
16 allegations are not factual and require no response.

17 120. In response to paragraph 120 of the TAC, Securus denies the  
18 allegations to the extent they are directed towards Securus. The remaining  
19 allegations are not factual and require no response.

20 121. In response to paragraph 121 of the TAC, Securus denies the  
21 allegations to the extent they are directed towards Securus. The remaining  
22 allegations are not factual and require no response.

23 **SECOND CAUSE OF ACTION**

24 **Violation of the California’s Unfair Competition Law**

25 **Cal. Bus. & Prof. Code §§ 17200, et seq.**

26 **(On behalf of the Plaintiffs Individually and the Class)**

27 122. In response to paragraph 122, Securus incorporates the foregoing  
28 answers.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 123. In response to paragraph 123 of the TAC, the allegations are not  
2 factual and instead amount to a legal conclusion to which no response is required.

3 124. In response to paragraph 124 of the TAC, Securus denies the  
4 allegations.

5 125. In response to paragraph 125 of the TAC, Securus denies the  
6 allegations.

7 126. In response to paragraph 126 of the TAC, Securus denies the  
8 allegations.

9 127. In response to paragraph 127 of the TAC, Securus denies the  
10 allegations.

11 128. In response to paragraph 128 of the TAC, Securus denies the  
12 allegations.

13 129. In response to paragraph 129 of the TAC, Securus denies the  
14 allegations.

15 130. In response to paragraph 130 of the TAC, Securus denies the  
16 allegations.

17 131. In response to paragraph 131 of the TAC, Securus denies the  
18 allegations.

19 132. In response to paragraph 132 of the TAC, Securus denies the  
20 allegations.

21 **THIRD CAUSE OF ACTION**

22 **Fraudulent Concealment/Intentional Omission of Material Facts**

23 **Cal. Civ. Code §§ 1709, 1710(3)**

24 **(On behalf of the Plaintiffs Individually and the Class)**

25 133. In response to paragraph 133, Securus incorporates the foregoing  
26 answers.

27 134. In response to paragraph 134 of the TAC, the allegations are not  
28 factual and instead amount to a legal conclusion to which no response is required.



1 135. In response to paragraph 135 of the TAC, Securus denies the  
2 allegations.

3 136. In response to paragraph 136 of the TAC, Securus denies the  
4 allegations.

5 137. In response to paragraph 137 of the TAC, Securus denies the  
6 allegations.

7 138. In response to paragraph 138 of the TAC, Securus denies the  
8 allegations.

9 139. In response to paragraph 139 of the TAC, Securus denies the  
10 allegations.

11 140. In response to paragraph 140 of the TAC, Securus denies the  
12 allegations.

13 141. In response to paragraph 141 of the TAC, Securus denies the  
14 allegations.

15 **FOURTH CAUSE OF ACTION**

16 **Fraud and Intentional Misrepresentation**

17 **Cal. Civ. Code §§ 1709, 1710(1)**

18 **(On behalf of the Plaintiffs Individually and the Class)**

19 142. In response to paragraph 142 of the TAC, Securus incorporates the  
20 foregoing answers.

21 143. In response to paragraph 143 of the TAC, the allegations are not  
22 factual and instead amount to a legal conclusion to which no response is required.

23 144. In response to paragraph 144 of the TAC, the allegations are not  
24 factual and instead amount to a legal conclusion to which no response is required.

25 145. In response to paragraph 145 of the TAC, no response is required for  
26 allegations of fraud based on statements made to the Sheriff because the Court  
27 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
28 37]. Securus denies any remaining allegations.

1 146. In response to paragraph 146 of the TAC, Securus admits that the  
2 bullet points appear in Securus’s Customer Integrity Pledge. Securus denies the  
3 remaining allegations.

4 147. In response to paragraph 147 of the TAC, Securus denies the  
5 allegations in the paragraph.

6 148. In response to paragraph 148 of the TAC, no response is required for  
7 allegations of fraud based on statements made to the Sheriff because the Court  
8 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
9 37]. Securus denies any remaining allegations.

10 149. In response to paragraph 149 of the TAC, no response is required for  
11 allegations of fraud based on statements made to the Sheriff because the Court  
12 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
13 37]. Securus denies any remaining allegations.

14 150. In response to paragraph 150 of the TAC, no response is required for  
15 allegations of fraud based on statements made to the Sheriff because the Court  
16 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
17 37]. Securus denies any remaining allegations.

18 151. In response to paragraph 151 of the TAC, no response is required for  
19 allegations of fraud based on statements made to the Sheriff because the Court  
20 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
21 37].

22 152. In response to paragraph 152 of the TAC, no response is required for  
23 allegations of fraud based on statements made to the Sheriff because the Court  
24 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
25 37]. Securus denies any remaining allegations.

26 153. In response to paragraph 153 of the TAC, no response is required for  
27 allegations of fraud based on statements made to the Sheriff because the Court  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
2 37]. Securus denies any remaining allegations.

3 154. In response to paragraph 154 of the TAC, no response is required for  
4 allegations of fraud based on statements made to the Sheriff because the Court  
5 dismissed this portion of the Fourth Cause of Action on March 29, 2017 [DOC.  
6 37]. Securus denies any remaining allegations.

7 155. In response to paragraph 155 of the TAC, Securus admits that the  
8 quoted language appear in a press release. Securus denies the remaining  
9 allegations.

10 156. In response to paragraph 156 of the TAC, Securus admits that the  
11 quoted language appear in a press release. Securus denies the remaining  
12 allegations.

13 157. In response to paragraph 157 of the TAC, Securus admits that the  
14 quoted language appears on its website. Securus denies the remaining allegations.

15 158. In response to paragraph 158 of the TAC, Securus admits that the  
16 quoted language appears on its website. Securus denies the remaining allegations.

17 159. In response to paragraph 159 of the TAC, Securus admits that the  
18 quoted language appears on its website. Securus denies the remaining allegations.

19 160. In response to paragraph 160 of the TAC, Securus denies the  
20 allegations.

21 161. In response to paragraph 161 of the TAC, Securus denies the  
22 allegations

23 162. In response to paragraph 162 of the TAC, Securus denies the  
24 allegations.

25 163. In response to paragraph 163 of the TAC, Securus denies the  
26 allegations.

27 164. In response to paragraph 164 of the TAC, Securus denies the  
28 allegations.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 165. In response to paragraph 165 of the TAC, Securus denies the  
2 allegations.

3 166. In response to paragraph 166 of the TAC, Securus denies the  
4 allegations.

5 167. In response to paragraph 167 of the TAC, Securus denies the  
6 allegations.

7 168. In response to paragraph 168 of the TAC, Securus denies the  
8 allegations.

9 169. In response to paragraph 169 of the TAC, Securus denies the  
10 allegations.

11 170. In response to paragraph 170 of the TAC, Securus denies the  
12 allegations.

13 171. In response to paragraph 171 of the TAC, Securus denies the  
14 allegations.

15 172. In response to paragraph 172 of the TAC, Securus denies the  
16 allegations.

17 173. In response to paragraph 173 of the TAC, Securus denies the  
18 allegations.

19 174. In response to paragraph 174 of the TAC, Securus denies the  
20 allegations.

21 **FIFTH CAUSE OF ACTION**

22 **Negligence**

23 **(On behalf of the Plaintiffs Individually and the Class)**

24 175. In response to paragraph 175 of the TAC, Securus incorporates the  
25 foregoing answers.

26 176. In response to paragraph 176 of the TAC, Securus denies the  
27 allegations.  
28

1 177. In response to paragraph 177 of the TAC, Securus denies the  
2 allegations.

3 178. In response to paragraph 178 of the TAC, Securus denies the  
4 allegations.

5 179. In response to paragraph 179 of the TAC, Securus denies the  
6 allegations.

7 180. In response to paragraph 180 of the TAC, Securus denies the  
8 allegations.

9 181. In response to paragraph 181 of the TAC, Securus denies the  
10 allegations.

11 182. In response to paragraph 182 of the TAC, Securus denies the  
12 allegations.

13 183. In response to paragraph 183 of the TAC, Securus denies the  
14 allegations.

15 184. In response to paragraph 184 of the TAC, Securus denies the  
16 allegations.

17 185. In response to paragraph 185 of the TAC, Securus denies the  
18 allegations.

19 186. In response to paragraph 186 of the TAC, Securus denies the  
20 allegations.

21 187. In response to paragraph 187 of the TAC, Securus denies the  
22 allegations.

23 188. In response to paragraph 188 of the TAC, Securus denies the  
24 allegations.

25 189. In response to paragraph 189 of the TAC, Securus denies the  
26 allegations.

27 190. In response to paragraph 190 of the TAC, Securus denies the  
28 allegations.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 191. In response to paragraph 191 of the TAC, Securus denies the  
2 allegations.

3 192. In response to paragraph 192 of the TAC, Securus denies the  
4 allegations.

5 193. In response to paragraph 193 of the TAC, the allegations are not  
6 factual and require no response.

7 **SIXTH CAUSE OF ACTION**

8 **Unjust Enrichment**

9 **(On behalf of the Plaintiffs Individually and the Class)**

10 194. In response to paragraph 194 of the TAC, Securus incorporates the  
11 foregoing answers.

12 195. In response to paragraph 195 of the TAC, the allegations are not  
13 factual and instead amount to a legal conclusion to which no response is required.

14 196. In response to paragraph 196 of the TAC, the allegations are not  
15 factual and instead amount to a legal conclusion to which no response is required.

16 197. In response to paragraph 197 of the TAC, Securus denies the  
17 allegations.

18 198. In response to paragraph 198 of the TAC, Securus denies the  
19 allegations.

20 199. In response to paragraph 199 of the TAC, Securus denies the  
21 allegations.

22 200. In response to paragraph 200 of the TAC, Securus denies the  
23 allegations.

24 201. In response to paragraph 201 of the TAC, Securus denies the  
25 allegations.

26 202. In response to paragraph 202 of the TAC, Securus denies the  
27 allegations.

28



**SEVENTH AFFIRMATIVE DEFENSE**

(No Reliance)

210. Plaintiffs' claims are barred, in whole or in part, because they did not rely on any statements of Securus.

**EIGHTH AFFIRMATIVE DEFENSE**

(Waiver or Acquiescence)

211. Plaintiffs' claims are barred, in whole or in part, by waiver or acquiescence.

**NINTH AFFIRMATIVE DEFENSE**

(Unjust Enrichment)

212. Plaintiffs would be unjustly enriched if they were allowed to recover based on the allegations in the TAC.

**TENTH AFFIRMATIVE DEFENSE**

(Assumption of Risk)

213. Plaintiffs' claims are barred and/or reduced to the extent their purported injuries arose from or were caused by risks knowingly assumed by them.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Plaintiffs' Negligence or Other Wrongful Conduct)

214. Plaintiffs' claims are barred and/or reduced to the extent their purported injuries arose from or were caused by Plaintiffs' negligence or other wrongful conduct.

**TWELFTH AFFIRMATIVE DEFENSE**

(Negligence or Wrongful Conduct of Others)

215. Plaintiffs' claims are barred and/or reduced to the extent their purported injuries arose from or were caused by the negligence or wrongful conduct of others.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071



**THIRTEENTH AFFIRMATIVE DEFENSE**

(Superseding, Intervening, Proximate Cause and Acts of God)

216. Plaintiffs' claims are barred and/or reduced to the extent their purported injuries arose from or were caused by the acts or omissions of other persons, and those acts or omissions were the independent, superseding, intervening and proximate cause of the damages alleged in this action, and/or the damages alleged were the result of an act or acts of God.

**FOURTEENTH AFFIRMATIVE DEFENSE**

(Speculative Damages)

217. Plaintiffs' claims are barred, in whole or in part, because their alleged damages are speculative, uncertain, or otherwise not cognizable.

**FIFTEENTH AFFIRMATIVE DEFENSE**

(Compliance with Law)

218. Plaintiffs' claims are barred, in whole or in part, by Securus's compliance with all applicable federal, state and local laws.

**SIXTEENTH AFFIRMATIVE DEFENSE**

(Justification)

219. Plaintiffs' claims are barred, in whole or in part, because any or all of Securus's conduct has been reasonable and based on independent, legitimate business and economic justification.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

(Not Likely to Mislead)

220. Plaintiffs' claims are barred because Securus's actions were true and/or not likely to mislead.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

(Puffery)

221. Plaintiffs' claims are barred because Securus's actions are non-actionable puffery.

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 **NINETEENTH AFFIRMATIVE DEFENSE**

2 (Violation of First Amendment)

3 222. Plaintiffs' claims are barred because the purported wrongdoing  
4 constitutes activity protected by the First Amendment of the United States  
5 Constitution, which protects the right to freedom to speech.

6 **TWENTIETH AFFIRMATIVE DEFENSE**

7 (Preemption)

8 223. Plaintiffs' claims are barred by the doctrine of preemption.

9 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

10 (No Class Certification)

11 224. Plaintiffs' claims are barred in whole or in part because they do not  
12 meet the requirements of federal law for class certification.

13 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

14 (Joinder)

15 225. Plaintiffs' claims are barred, in whole or in part, because of failure  
16 to join a party under Fed. R. Civ. P. 19.

17 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

18 (No Injunctive Relief)

19 226. Plaintiffs' claims are barred, in whole or in part, because Plaintiffs  
20 fail to state a claim for injunctive relief insofar as Plaintiffs seek to enjoin alleged  
21 events that have already transpired without the requisite showing of threatened  
22 future harm or continuing harm.

23 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

24 (No Restitution)

25 227. Any award of restitution under California Bus. and Prof. Code §  
26 17203 based upon asserted interest or injuries of the purported class members in  
27 this case would violate the Excessive Fines Clauses of the Eighth Amendment (as  
28 incorporated by the Due Process Clause of the Fourteenth Amended ) to the

1 United States Constitution and of Article I, Section 17 of the California  
2 Constitution.

3 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

4 (No §17200 Liability)

5 228. Any finding of liability under California Bus. and Prof. Code §  
6 17200 et seq. would violate the Due Process Clause of the Fourteenth Amended  
7 to the United States Constitution, and of Article I, Section 7 of the California  
8 Constitution, because the standards of liability under these statutes are unduly  
9 vague and subjective, and permit retroactive, random, arbitrary, and capricious  
10 punishment that serves no legitimate governmental interest.

11 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

12 (Additional Defenses)

13 229. Because Securus does not have sufficient information as to whether  
14 it has additional, as yet unstated affirmative defenses, Securus reserves its right to  
15 assert such defenses in the event that discovery indicates the defense is  
16 appropriate.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, having fully answered, Securus respectfully prays that:

- 19 1. The TAC be dismissed with prejudice;
- 20 2. Judgment be entered against the Plaintiffs;
- 21 3. Securus be awarded their attorneys’ fees and the costs incurred in this  
22 action; and
- 23 4. The Court award such further relief in favor of Securus as the Court  
24 deems just and proper.

25 **JURY DEMAND**

26 Securus demands a trial by jury on all triable claims and issues.  
27  
28

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1 Dated: April 12, 2017

Respectfully submitted,

2 SQUIRE PATTON BOGGS (US) LLP

3  
4 s/Adam R. Fox

5 Adam R. Fox  
6 Gretchen A. Ramos

7 Attorneys for Defendant  
8 Securus Technologies, Inc.  
9 adam.fox@squirepb.com  
10 gretchen.ramos@squirepb.com

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

The undersigned certifies and declares as follows:

I am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is 555 South Flower Street, 31st Floor, Los Angeles, California 90071-2300.

On April 12, 2017, a copy of the following document(s):

**ANSWER OF DEFENDANT SECURUS TECHNOLOGIES, INC. TO PLAINTIFFS' THIRD AMENDED COMPLAINT**

was served on:

<p>Ronald A. Marron, Esq.          Alexis Wood, Esq.          Kas Galluci, Esq.          Skye Resendes, Esq.          LAW OFFICES OF RONALD A. MARRON          651 Arroyo Drive          San Diego, CA 92103          Tel: (619) 696-9006          Fax: (619) 564-6665  <a href="mailto:ron@consumersadvocates.com">ron@consumersadvocates.com</a>  <a href="mailto:alexis@consumersadvocates.com">alexis@consumersadvocates.com</a>  <a href="mailto:kas@consumersadvocates.com">kas@consumersadvocates.com</a>  <a href="mailto:skye@consumersadvocates.com">skye@consumersadvocates.com</a></p>	<p>Robert L. Teel, Esq.          LAW OFFICE OF ROBERT L. TEEL          207 Anthes Avenue, 2<sup>nd</sup> Floor          Langley, WA 98260          Tel: (866) 833-5529          Fax: (855) 609-6911  <a href="mailto:lawoffice@rteel.com">lawoffice@rteel.com</a></p>
--	---

Service was accomplished as follows.

**By Electronic Means.** On the above date, I filed the above-mentioned document(s) by electronic means with the Court. As such, the Court electronically mailed such document(s) to the parties noted above, whose electronic mail address is set forth above.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 12, 2017, at Los Angeles, California.

s/Adam R. Fox  
Adam R. Fox

SQUIRE PATTON BOGGS (US) LLP  
555 South Flower Street, 31st Floor  
Los Angeles, California 90071