

EXHIBIT A

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
IN AND FOR ST. LUCIE COUNTY, FLORIDA

Brittany Stoddard
Plaintiff

Case # 2021CA001499
Judge Laurie E Buchanan .

vs.

Underlining Beauty LLC
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure
 - Homestead residential foreclosure
 - Non-homestead residential foreclosure
 - Other real property actions
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance
 - Constitutional challenge—proposed amendment
 - Corporate trusts
 - Discrimination—employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COUNTY CIVIL

- Small Claims up to \$8,000
- Civil
- Real property/Mortgage foreclosure

- Replevins
- Evictions
 - Residential Evictions
 - Non-residential Evictions
- Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

IV. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

1

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
- yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Manuel S Hiraldo
Attorney or party

Fla. Bar # 30380
(Bar # if attorney)

Manuel S Hiraldo
(type or print name)

08/23/2021
Date

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR SAINT LUCIE COUNTY, FLORIDA**

CASE NO. 562021CA001499AXXHC

BRITTANY STODDARD,
individually and on behalf of all,
others similarly situated,

CLASS ACTION

Plaintiff,

JURY TRIAL DEMANDED

v.

UNDERLINING BEAUTY, LLC d/b/a
NAILBOO,

Defendant.

_____ /

CLASS ACTION COMPLAINT

Plaintiff Brittany Stoddard brings this class action against Defendant Underlining Beauty, LLC d/b/a Nailboo, and alleges as follows upon personal knowledge as to Plaintiff and Plaintiff’s own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by Plaintiff’s attorneys.

NATURE OF THE ACTION

1. This is a class action under the Florida Telephone Solicitation Act (“FTSA”), Fla. Stat. § 501.059, as amended by Senate Bill No. 1120.¹

2. Defendant engages in telephonic sales calls to consumers without having secured prior express written consent as required by the FTSA.

3. Defendant’s telephonic sales calls have caused Plaintiff and the Class members harm, including violations of their statutory rights, statutory damages, annoyance, nuisance, and invasion of their privacy.

¹ The amendment to the FTSA became effective on July 1, 2021.

4. Through this action, Plaintiff seeks an injunction and statutory damages on behalf of herself and the Class members, as defined below, and any other available legal or equitable remedies resulting from the unlawful actions of Defendant.

PARTIES

5. Plaintiff is, and at all times relevant hereto was, a citizen and resident of Saint Lucie County, Florida.

6. Plaintiff is, and at all times relevant hereto was, an individual and a “called party” as defined by Fla. Stat. § 501.059(1)(a) in that she was the regular user of cellular telephone number that received Defendant’s telephonic sales calls.

7. Defendant is, and at all times relevant hereto was, a foreign corporation and a “telephone solicitor” as defined by Fla. Stat. § 501.059(f). Defendant maintains its primary place of business and headquarters in San Francisco, California.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney’s fees.

9. Defendant is subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendant’s contacts with this state. Defendant made or caused to be made telephonic sales calls into Florida without the requisite prior express written consent in violation of the FTSA. Plaintiff received such calls while residing in and physically present in Florida.

10. Venue for this action is proper in this Court pursuant to Fla. Stat. § 47.051 because the cause of action accrued in Saint Lucie County.

FACTS

11. Since at least on or about July 1, 2021, Defendant sent the following telephonic sales calls to Plaintiff's cellular telephone number:

30618 >

Text Message
Thu, Jul 1, 2:41 PM

NAILBOO: Don't miss our 4th of July sale! Up to 50% off nail shades & 25% kits w/ "4TH50" <https://nailboo.via.store/rLL7tRk>

Sat, Jul 3, 2:19 PM

24 hrs left! 📱 Up to -55% #1 nail shades for July 4! 30+ manis as low as \$6 w/ "FREEDOM" <https://nailboo.via.store/rLMetN3>

Fri, Jul 16, 1:51 PM

Nailboo: 5 NEW nail shades launching now! 25% off when buying multiple. Limited inventory. Grab yours before they're sold out! <https://nailboo.via.store/rLML32E>

Sat, Jul 17, 6:16 PM

Nailboo: Hey Boo, new nail

30618 >

Sat, Jul 17, 6:16 PM

Nailboo: Hey Boo, new nail shades selling out quick! Save 35% when buying 4+ with code "NEWNEW". Limited inventory left. <https://nailboo.via.store/rLMSFxc>

Fri, Aug 13, 4:15 PM

Nailboo: We've released 5 new STUNNING shades & they're selling out fast! Save 25% when buying multiple. Get yours! -> <https://nailboo.via.store/rLOkzzt>

Sun, Aug 15, 4:09 PM

**Brittany! Save 40% on new nail shades when buying 4+ or 15% off 1 with "BOODROP". Limited time sale. <https://nailboo.via.store/rLOrgGB>
STOP to unsubscribe.**

Tuesday 2:28 PM

30618 >

nailboo.via.store/rLQkzzt

Sun, Aug 15, 4:00 PM

Brittany! Save 40% on new nail shades when buying 4+ or 15% off 1 with "BOODROP". Limited time sale. <https://nailboo.via.store/rLORgGB> STOP to unsubscribe.

Tuesday 2:28 PM

Nailboo: 45% off ALL nail shades (& new ones) when buying multiple with "VIPSHADES"! 24 HRS LEFT. New shades almost gone! <https://nailboo.via.store/rLOzZUr>

12. The purpose of Defendant's telephonic sales calls was to solicit the sale of consumer goods and/or services.

13. Upon information and belief, Defendant caused similar telephonic sales calls to be sent to individuals residing in Florida.

14. Plaintiff is the regular user of the telephone number that received the above telephonic sales calls.

15. To transmit the above telephonic sales calls, Defendant utilized a computer software system that automatically selected and dialed Plaintiff's and the Class members' telephone numbers.

16. Plaintiff never voluntarily provided Defendant with express written consent authorizing Defendant to transmit telephonic sales calls to Plaintiff's cellular telephone number utilizing an automated system for the selection or dialing of telephone numbers.

17. Defendant's telephonic sales calls caused Plaintiff and the Class members harm, including statutory damages, inconvenience, invasion of privacy, aggravation, annoyance.

CLASS ALLEGATIONS

PROPOSED CLASS

18. Plaintiff brings this lawsuit as a class action on behalf of herself individually and on behalf of all other similarly situated persons as a class action pursuant to Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3). The "Class" that Plaintiff seeks to represent is defined as:

All persons in Florida who, (1) were sent a text message call regarding Defendant's goods and/or services, (2) using the same equipment or type of equipment utilized to call Plaintiff.

19. Defendant and its employees or agents are excluded from the Class. Plaintiff does not know the exact number of members in the Class but believes the Class members number in the several thousands, if not more.

NUMEROSITY

20. Upon information and belief, Defendant has placed telephonic sales calls to telephone numbers belonging to thousands of consumers listed throughout Florida without their prior express written consent. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

21. The exact number and identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's call records.

COMMON QUESTIONS OF LAW AND FACT

22. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are: [1] Whether Defendant initiated telephonic sales calls to Plaintiff and the Class members; [2] Whether Defendant can meet its burden of showing that it had prior express written consent to make such calls; and [3] Whether Defendant is liable for damages, and the amount of such damages.

23. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant routinely transmits telephonic sales calls without prior express written consent is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

24. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

25. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

SUPERIORITY

26. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are in the millions of dollars, the individual damages incurred by each member of the

Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

27. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT I
VIOLATION OF FLA. STAT. § 501.059
(On Behalf of Plaintiff and the Class)

28. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set forth herein.

29. It is a violation of the FTSA to “make or knowingly allow a telephonic sales call to be made if such call involves an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called without the prior express written consent of the called party.” Fla. Stat. § 501.059(8)(a).

30. A “telephonic sales call” is defined as a “telephone call, text message, or voicemail transmission to a consumer for the purpose of soliciting a sale of any consumer goods or services, soliciting an extension of credit for consumer goods or services, or obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.” Fla. Stat. § 501.059(1)(i).

31. “Prior express written consent” means an agreement in writing that:

1. Bears the signature of the called party;
2. Clearly authorizes the person making or allowing the placement of a telephonic sales call by telephone call, text message, or voicemail transmission to deliver or cause to be delivered to the called party a telephonic sales call using an automated system for the selection or dialing of telephone numbers, the playing of a recorded message when a connection is completed to a number called, or the transmission of a prerecorded voicemail;
3. Includes the telephone number to which the signatory authorizes a telephonic sales call to be delivered; and
4. Includes a clear and conspicuous disclosure informing the called party that:
 - a. By executing the agreement, the called party authorizes the person making or allowing the placement of a telephonic sales call to deliver or cause to be delivered a telephonic sales call to the called party using an automated system for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called; and
 - b. He or she is not required to directly or indirectly sign the written agreement or to agree to enter into such an agreement as a condition of purchasing any property, goods, or services.

Fla. Stat. § 501.059(1)(g).

32. Defendant failed to secure prior express written consent from Plaintiff and the Class members.

33. In violation of the FTSA, Defendant made and/or knowingly allowed telephonic sales calls to be made to Plaintiff and the Class members without Plaintiff's and the Class members' prior express written consent.

34. Defendant made and/or knowingly allowed the telephonic sales calls to Plaintiff and the Class members to be made utilizing an automated system for the selection or dialing of telephone numbers.

35. As a result of Defendant's conduct, and pursuant to § 501.059(10)(a) of the FTSA, Plaintiff and Class members were harmed and are each entitled to a minimum of \$500.00 in

damages for each violation. Plaintiff and the Class members are also entitled to an injunction against future calls. *Id.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for the following relief:

- a) An order certifying this case as a class action on behalf of the Class as defined above, and appointing Plaintiff as the representative of the Class and Plaintiff's counsel as Class Counsel;
- b) An award of statutory damages for Plaintiff and each member of the Class;
- c) An order declaring that Defendant's actions, as set out above, violate the FTSA;
- d) An injunction requiring Defendant to cease all telephonic sales calls made without express written consent, and to otherwise protect the interests of the Class;
- e) Such further and other relief as the Court deems necessary.

JURY DEMAND

Plaintiff, individually and on behalf of the Class, hereby demand a trial by jury.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendant take affirmative steps to preserve all records, lists, electronic databases or other itemization of telephone numbers associated with the communications or transmittal of the calls as alleged herein.

DATED: August 23, 2021

Respectfully Submitted,

HIRALDO P.A.

/s/ Manuel S. Hiraldo

Manuel S. Hiraldo, Esq.
Florida Bar No. 030380
401 E. Las Olas Boulevard
Suite 1400
Ft. Lauderdale, Florida 33301
Email: mhiraldo@hirdolaw.com
Telephone: 954.400.4713

DAPEER LAW, P.A.

Rachel N. Dapeer, Esq.
20900 NE 30th Avenue, Ste. 417
Aventura, Florida 333180
Email: rachel@dapeer.com
Telephone: 305-610-5223

Counsel for Plaintiff

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR SAINT LUCIE COUNTY, FLORIDA**

CASE NO. 2021CA001499

Judge Laurie E Buchanan

BRITTANY STODDARD,
individually and on behalf of all,
others similarly situated,

CLASS ACTION

Plaintiff,

JURY TRIAL DEMANDED

v.

UNDERLINING BEAUTY, LLC d/b/a
NAILBOO,

Defendant.

_____ /

SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the complaint or petition in this action on defendant:

UNDERLINING BEAUTY, LLC d/b/a NAILBOO
Registered Agent: AIDAN COLE
322 6TH STREET, APT 13
SAN FRANCISCO, CA 94103

Each defendant is required to serve written defenses to the complaint or petition on **MANUEL S. HIRALDO, HIRALDO P.A., Plaintiff's attorney, whose address is 401 E. Las Olas Blvd., Ste. 1400, Fort Lauderdale, FL 33301, Tel: (954) 400-4713**, within twenty (20) days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED on _____

As Clerk of the Court

BY: _____
As Deputy Clerk

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR SAINT LUCIE COUNTY, FLORIDA**

CASE NO. 2021CA001499

Judge Laurie E Buchanan

BRITTANY STODDARD,
individually and on behalf of all,
others similarly situated,

Plaintiff,

CLASS ACTION

JURY TRIAL DEMANDED

v.

UNDERLINING BEAUTY, LLC d/b/a
NAILBOO,

Defendant.

SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff of the State:


YOU ARE COMMANDED to serve this Summons and a copy of the complaint or petition in this action on defendant:

UNDERLINING BEAUTY, LLC d/b/a NAILBOO
Registered Agent: AIDAN COLE
322 6TH STREET, APT 13
SAN FRANCISCO, CA 94103

Each defendant is required to serve written defenses to the complaint or petition on **MANUEL S. HIRALDO, HIRALDO P.A., Plaintiff's attorney, whose address is 401 E. Las Olas Blvd., Ste. 1400, Fort Lauderdale, FL 33301, Tel: (954) 400-4713**, within twenty (20) days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

DATED on 24 August 2021

MICHELLE R. MILLER, CLERK AND COMPTROLLER

BY:  _____
As Deputy Clerk

RETURN OF SERVICE

State of Florida

County of Saint Lucie

Circuit Court

Case Number: 2021CA001499

Plaintiff:

BRITANNY STODDARD, individually and on behalf of all, other similarly situated,

vs.

Defendant:

UNDERLINING BEAUTY,LLC d/b/a NAILBOO

For:

Manuel Hiraldo

Hiraldo P.A.

401 E. Las Olas Blvd.

Ste 1400

Fort Lauderdale, FL 33301

Received by L & L Process, LLC. on the 24th day of August, 2021 at 3:52 pm to be served on **UNDERLINING BEAUTY, LLC d/b/a NAILBOO AIDAN COLE/ REGISTERED AGENT, 322 6TH STREET, APT 13, SAN FRANCISCO, CA 94103.**

I, Juan Barroso, do hereby affirm that on the **17th day of September, 2021 at 3:45 pm, I:**

served a **CORPORATION** by delivering a true copy of the **Summons and Class Action Complaint** with the date and hour of service endorsed thereon by me, to: **AIDAN COLE as REGISTERED AGENT/AUTHORIZED for UNDERLINING BEAUTY, LLC d/b/a NAILBOO**, at the address of: **1100 BISCAYNE BLVD UNIT 4605, MIAMI, FL 33132**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: WHITE, Height: 5'8", Weight: 170, Hair: BROWN, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. Under penalty of perjury, I declare that I have read the foregoing documents, and that the facts stated in it are true. NO NOTARY REQUIRED PURSUANT TO F.S.92.525(2)



Juan Barroso
Certified Process Server #2148

L & L Process, LLC.
13876 SW 56 Street
Suite 200
Miami, FL 33175
(305) 772-8804

Our Job Serial Number: LLP-2021002944

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR SAINT LUCIE COUNTY, FLORIDA

BRITTANY STODDARD,
individually and on behalf of all,
others similarly situated,

Plaintiff,

v.

UNDERLINING BEAUTY, LLC d/b/a
NAILBOO,

Defendant.

CASE NO.: 2021CA001499
Judge Laurie E. Buchanan

CLASS ACTION

**DEFENDANT'S MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO PLAINTIFF'S COMPLAINT**

Defendant, UNDERLINING BEAUTY, LLC d/b/a NAILBOO ("Defendant"), by and through their undersigned counsel, hereby move this Court for a thirty (30) day extension of the deadline to file a response to Plaintiff, BRITTANY STODDARD ("Plaintiff")'s Class Action Complaint, and states as follows:

1. Defendant was served with the Class Action Complaint on September 16, 2021.
2. The current deadline for Defendant to respond to Plaintiff's Class Action Complaint is October 6, 2021.
3. Defendant is requesting a thirty (30) day extension of the deadline to respond to the Class Action Complaint, through November 5, 2021.
4. This motion is made in good faith and not for the purpose of delay. No party to this action will be unduly prejudiced by the granting of the requested extension of time.

WHEREFORE, Defendant, UNDERLINING BEAUTY, LLC d/b/a NAILBOO, respectfully requests that the Court enter an order granting this Motion for Extension of Time to

File Response to Plaintiff's Class Action Complaint, extending the deadline through November 5, 2021, and granting such other relief as the Court deems just and proper.

DATED: October 5, 2021

Respectfully submitted,

MARK MIGDAL & HAYDEN
80 S.W. 8th Street, Suite 1999
Miami, Florida 33130
Telephone: (305) 374-0440

By: s/ Yaniv Adar

Josh A. Migdal, Esq.
Florida Bar No. 19136
josh@markmigdal.com
Yaniv Adar, Esq.
Florida Bar No. 63804
yaniv@markmigdal.com
eservice@markmigdal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 5, 2021, a copy of the foregoing was electronically filed through the Florida Courts E-Filing Portal which will send electronic notification of the above filing to all registered users.

s/ Yaniv Adar
Yaniv Adar, Esq.