

EXHIBIT A

[Skip to main content](#)

1977CV00099 Allen Alper on behalf of Himself and all others similarly situated vs. Select Portfolio Servicing, Inc.

• Case Type
• Torts
• Case Status
• Open
• File Date
• 01/22/2019
• DCM Track:
• F - Fast Track
• Initiating Action:
• Other Tortious Action
• Status Date:
• 01/22/2019
• Case Judge:
• Next Event:

All Information	Party	Tickler	Docket	Disposition
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Party Information

Alper, Allen
- Plaintiff

[Alias](#)

Party Attorney

- Attorney
- Lemberg, Esq., Sergei
- Bar Code
- 650671
- Address
- Lemberg Law, LLC
- 43 Danbury Rd
- Wilton, CT 06897
- Phone Number
- (203)653-2250

[More Party Information](#)

Select Portfolio Servicing, Inc.
- Defendant

[Alias](#)

Party Attorney

- Attorney
- Hefferon, Esq., Thomas M
- Bar Code
- 548289
- Address
- Goodwin Procter LLP
- 901 NY Ave
- NW
- Washington, DC 20001
- Phone Number
- (202)346-4000
- Attorney
- Kantrowitz, Esq., David S
- Bar Code

- 676231
- Address
- Goodwin Procter LLP
100 Northern Ave
Boston, MA 02210
- Phone Number
- (617)570-1254

[More Party Information](#)

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	01/22/2019	04/22/2019	90	02/13/2019
Answer	01/22/2019	05/22/2019	120	
Rule 12/19/20 Served By	01/22/2019	05/22/2019	120	
Rule 12/19/20 Filed By	01/22/2019	06/21/2019	150	
Rule 12/19/20 Heard By	01/22/2019	07/22/2019	181	
Rule 15 Served By	01/22/2019	05/22/2019	120	
Rule 15 Filed By	01/22/2019	06/21/2019	150	
Rule 15 Heard By	01/22/2019	07/22/2019	181	
Discovery	01/22/2019	11/18/2019	300	
Rule 56 Served By	01/22/2019	12/18/2019	330	
Rule 56 Filed By	01/22/2019	01/17/2020	360	
Final Pre-Trial Conference	01/22/2019	05/18/2020	482	
Judgment	01/22/2019	01/21/2021	730	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/22/2019	Attorney appearance On this date Sergei Lemberg, Esq. added for Plaintiff Allen Alper		
01/22/2019	Case assigned to: DCM Track F - Fast Track was added on 01/22/2019		
01/22/2019	Original civil complaint filed.	1	Image
01/22/2019	Civil action cover sheet filed.	2	Image
01/22/2019	Demand for jury trial entered.		
01/22/2019	Allen Alper on behalf of Himself and all others similarly situated's MOTION for appointment of Special Process Server.	3	
01/22/2019	Endorsement on Motion for Special Process Server (#3.0): ALLOWED		Image
01/22/2019	Notice of 93A complaint sent to Attorney General	4	
02/13/2019	Service Returned for Defendant Select Portfolio Servicing, Inc.: Service through person in charge / agent;	5	Image
02/25/2019	Corporate Disclosure Statement filed	6	Image
02/25/2019	Defendant Select Portfolio Servicing, Inc.'s Motion to extend time for, to file a response of pleading from 2/26/19 to 3/26/19 - Unopposed	7	

<u>Docket Date</u>	<i>Docket Text</i>	<u>File Ref Nbr.</u>	<i>Image Avail.</i>
02/27/2019	Endorsement on Motion to file a response of pleading (#7.0): ALLOWED		Image

Case Disposition		
<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Active	02/27/2019	



Notice of Service of Process

Transmittal Number: 19330189
Date Processed: 02/07/2019

Primary Contact: Carmen Berumen
Select Portfolio Servicing, Inc.
3217 South Decker Lake Drive
West Valley City, UT 84119

Electronic copy provided to: Jason Miller
Tammy Cunningham
Tracey Nicaastro
Gina Burgess
Service Process

Entity: Select Portfolio Servicing, Inc.
Entity ID Number 1752761

Entity Served: Select Portfolio Servicing, Inc.

Title of Action: Allen Alper vs. Select Portfolio Servicing, Inc.

Document(s) Type: Summons/Complaint

Nature of Action: Class Action

Court/Agency: Essex County Superior Court, MA

Case/Reference No: 1977CV00099C

Jurisdiction Served: Massachusetts

Date Served on CSC: 02/06/2019

Answer or Appearance Due: 20 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Sergei Lemberg
203-653-2250

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER.)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 1977CV00099C

Allen Alger, on behalf of himself and all others Plaintiff(s)
Simkely situated,

Select Portfolio Servicing, Inc. Defendant(s)

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Sergei Lemberg of Lemberg Law, LLC plaintiff's attorney, whose address is 43 Danbury Rd, 3rd flr. Wilton CT 06897, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at 56 Federal St. Salem MA 01970 either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WITNESS, Judith Fabricant, Esquire, at Salem, the
day of _____, in the year of our Lord two thousand


Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office

PROOF OF SERVICE OF PROCESS

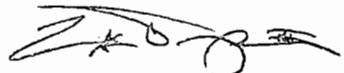
I hereby certify and return that on _____, 20____, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (see Mass. R. Civ. P. (d)-(1-5):

Dated: _____, 20____.

N.B. TO PROCESS SERVER:-
PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

February 6th, 2019.

A TRUE COPY ATTEST


Spirit Process Server & Disinterested Person

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS. SUPERIOR COURT CIVIL ACTION No.

Plaintiff(s)

v

Defendant(s)

SUMMONS (Mass. R. Civ. P. 4)

COPY

COMMONWEALTH OF MASSACHUSETTS
County of Essex
The Superior Court

Allen Alper, *on behalf of himself and all others*
similarly situated,

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Civil Docket #:

1917CV00099 C

RECEIVED
MAR 22 2019
CLERK OF SUPERIOR COURT
ESSEX COUNTY
MASSACHUSETTS

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

For this Class Action Complaint, Plaintiff Allen Alper, by and through undersigned counsel, pleading on his own behalf and on behalf of all others similarly situated, states as follows:

INTRODUCTION

1. This action arises out of Defendant Select Portfolio Servicing, Inc.'s ("SPS" or "Defendant") repeated violations of the Massachusetts Consumer Protection Act, M.G.L. c. 93A § 2, *et seq.* ("MCPA"), and Massachusetts Debt Collection Regulations, 940 CMR § 7.00, *et seq.* ("MDCR"), in its illegal efforts to collect consumer debts.

2. The Massachusetts Attorney General regulated it an "unfair or deceptive act or practice for a creditor" to "initiate a communication with any debtor via telephone, either in person or via text messaging or recorded audio message, in excess of two such communications in each seven-day period to either the debtor's residence, cellular telephone, or other telephone number provided by the debtor as his or her personal telephone number." 940 CMR § 7.04(1)(f).

3. The Attorney General has advised, and the Massachusetts Supreme Court recently confirmed, that the regulation means debt collectors cannot place more than two collection calls per week to Massachusetts consumers, regardless of the outcome of the call. *See Armata v. Target Corp.*, 480 Mass. 14, 15–16, 23, 99 N.E.3d 788, 790, 795-96 (2018) (“The regulation does not limit ‘communication[s],’ but, rather, the initiation of communications. The fact that [creditor] did not successfully directly convey information to [debtor] is unimportant, because [creditor] nevertheless initiated the process of conveying information to [debtor] via telephone.”) (quoting 940 CMR § 7.04(1)(f)).

4. Notwithstanding the Attorney General’s regulations, it is SPS’s practice to call Massachusetts consumers more than two times within a seven-day period in an attempt to collect consumer debts. SPS placed more than two collection calls within a seven-day period to Plaintiff Allen Alper (“Plaintiff”), violating the express provisions of § 7.04(1)(f). Plaintiff seeks to represent all consumers similarly situated. Plaintiff seeks injunctive relief to end SPS’s illegal practice, declaratory relief to make SPS’s violations known to the class, actual and statutory damages, as well as attorneys’ fees and costs.

PARTIES

5. Plaintiff, Allen Alper, is an adult individual residing in Haverhill, Essex County, Commonwealth of Massachusetts, and is a “debtor” as defined by 940 C.M.R. § 7.03.

6. Defendant, Select Portfolio Servicing, Inc., is a Utah business entity with a principal address of 3217 South Decker Lane Drive, Salt Lake City, Utah 84119, and is a “creditor” as defined by 940 CMR § 7.03. Upon information and belief, SPS does not maintain a place of business within the Commonwealth of Massachusetts, nor does it keep any assets in the Commonwealth of Massachusetts.

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

7. Plaintiff allegedly incurred a financial obligation in the form of a home mortgage loan (the "Debt").

8. The Debt arose from services which were primarily for family, personal or household purposes and which meet the definition of a "debt" under 940 CMR § 7.03.

9. SPS attempted to collect the Debt from Plaintiff and, as such, initiated and engaged in "communications" as defined in 940 CMR § 7.03.

B. SPS Engages in Unfair Business Practices

10. In or around 2017, SPS began calling Plaintiff's cellular telephone in an attempt to collect the Debt.

11. SPS called Plaintiff's cellular telephone at number 978-XXX-3678.

12. At the time SPS was calling Plaintiff's cellular telephone, the Debt was alleged to be more than thirty (30) days past due.

13. Throughout 2017 and the beginning of 2018, SPS called Plaintiff's cellular telephone in an attempt to collect the Debt at an excessive and harassing rate. On average, SPS placed eight (8) calls to Plaintiff in a given seven-day period in an attempt to collect the Debt.

C. Plaintiff Suffered Actual Damages and Injury

14. Plaintiff suffered actual damages as a result of SPS's unlawful conduct.

15. As a direct consequence of SPS's acts, practices and conduct, Plaintiff suffered anger, anxiety, emotional distress, fear, frustration and embarrassment.

16. SPS's repeated calls were distracting and an inconvenience to Plaintiff, and an invasion of her personal privacy.

17. SPS's repeated calls wasted Plaintiff's time and energy spent tending to SPS's calls.

CLASS ACTION ALLEGATIONS

A. The Class

18. Plaintiff brings this case as a class action pursuant to M.G.L. c. 93A, § 9(2) and Rule 23 of the Massachusetts Rules of Civil Procedure.

19. Plaintiff seeks to represent the following class (the "Class"):

All consumers residing in the Commonwealth of Massachusetts who, within four years prior to the filing of this action, received in excess of two telephone calls regarding a debt from SPS within a seven-day period to their residence, cellular telephone, or other provided telephone number.

B. Numerosity

20. As its regular business practice, SPS hounds Massachusetts consumers with numerous debt collection calls per week. Class members are believed to be so numerous that joinder of all members is impractical.

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

22. Plaintiff reasonably believes that there are thousands of Massachusetts consumers who are members of the Class.

C. Common Questions of Law and Fact

23. There are common questions of law and fact raised in this Complaint which predominate over any questions affecting only individual class members.

24. The following questions of law and fact common to the class members are ripe for determination and are raised herein:

- a. Whether SPS violated M.G.L. c. 93A § 2 and 940 CMR § 7.04(1)(f) by placing in excess of two debt collection calls per debt per seven-day period; and
- b. Whether SPS willfully and knowingly placed in excess of two debt collection calls per debt per seven-day period.

D. Typicality

25. Plaintiff's claims are typical of the claims of the class members, since each of the claims arises from receiving in excess of two debt collection calls within a seven-day period.

E. Protecting the Interests of Class Members

26. Plaintiff will fairly and adequately represent the interests of class members, all of whom are victims of Defendant's unlawful conduct.

27. All of the class members' claims arise from the very course of conduct and specific activities complained of herein and require application of the same legal principles.

28. Plaintiff has retained counsel experienced in bringing class actions and debt collection abuse claims and who stands ready, willing and able to represent the Class.

F. Proceeding Via Class Action is Superior and Advisable

29. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

30. Absent a class action, most members of the class would find the cost of litigating their claims to be prohibitive and, therefore, would have no effective remedy at law.

31. The class treatment of common questions of law and fact is also superior to multiple individual actions or piecemeal litigation in that it conserves the resources of the court and the litigants and promotes consistency and efficiency of adjudication.

32. Prosecution of separate actions could result in inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for Defendant and other debt collectors. Conversely, adjudications with respect to individual class members would be dispositive of the interest of all other class members.

33. The amount of money at issue is such that proceeding by way of a class action is the only economical and sensible manner in which to vindicate the injuries sustained by Plaintiffs and the other class members.

COUNT I
VIOLATIONS OF THE MCPA, M.G.L. c. 93A, § 2,
AND MDCR, 940 CMR § 7.04(1)(f)

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

35. Defendant initiated communication via telephone to Plaintiff's cellular telephone in excess of two times within a seven-day period regarding a Debt, in violation of 940 CMR § 7.04(1)(f).

36. Defendant's failure to comply with 940 CMR § 7.04(1)(f) constitutes an unfair or deceptive act in violation of M.G.L. c. 93A § 2.

37. Defendant willfully or knowingly violated 940 CMR § 7.04(1)(f), and as such, Plaintiff is entitled to double or treble damages plus reasonable attorney's fees and costs.

38. Pursuant to M.G.L. c. 93A, § 9, Plaintiff is entitled to and does seek equitable relief in the form of an injunction preventing Defendant from placing in excess of two collection calls within any seven days to any Massachusetts consumers' telephone.

39. Pursuant to M.G.L. c. 93A, § 9, Plaintiff is entitled to and does seek declaratory relief such that:

- Defendant knowingly and willfully violated M.G.L. c. 93A c. 93A, § 2 and 940 CMR § 7.04(1)(f) as to Plaintiff and the class; and
- It has been Defendant's practice and history to place in excess of two debt collection telephone calls within seven days to Massachusetts consumers.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff asks that the Court enter judgment in favor of Plaintiff and the Class and against Defendant, as follows:

- A) An injunction preventing Defendant from placing in excess of two collection calls within any seven days to any Massachusetts consumers' telephone;
- B) Declaratory relief as prayed herein;
- C) Awarding actual damages as provided under the MCPA, pursuant to M.G.L. c. 93A § 9, including treble damages for Defendant's willful conduct;
- D) Awarding statutory damages as provided under the MCPA, pursuant to M.G.L. c. 93A § 9, including treble damages for Defendant's willful conduct;
- E) Awarding reasonable attorney fees, litigation expenses and costs incurred pursuant to M.G.L. c. 93A § 9;

F) Granting such other and further relief this Court deems just and appropriate.

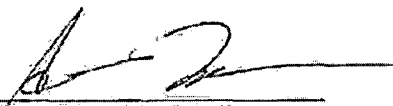
TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: January 18, 2019

PLAINTIFF,
ALLEN ALPER

By Plaintiff's attorneys,

LEMBERG LAW, LLC



Sergei Lemberg (BBO# 650671)
slernberg@lemborglaw.com
LEMBERG LAW, LLC
43 Danbury Road
Wilton, CT 06897
T: (203) 653-2250
F: (203) 653-3424

CIVIL ACTION COVER SHEET	DOCKET NUMBER	Trial Court of Massachusetts The Superior Court
PLAINTIFF(S): <u>Allan Alpor</u> ADDRESS: <u>10 Leonard Ave., Haverhill, MA 01835</u>	COUNTY: <u>Essex</u>	
ATTORNEY: <u>Sergoi Lemberg</u> ADDRESS: <u>Lemberg Law, LLC 43 Danbury Road</u> <u>Wilton, Connecticut 06897</u>	DEFENDANT(S): <u>Select Portfolio Servicing, Inc.</u> ADDRESS: <u>PO Box 66260 Salt Lake City, UT 84165-0260</u>	
BBO: <u>650671</u>		
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)		
CODE NO. <u>B99</u>	TYPE OF ACTION (specify) <u>M.G.L. c. 93A § 2, et seq</u>	TRACK <u>F</u>
		HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
*If "Other" please describe: <u>VIOLATIONS OF THE MASSACHUSETTS CONSUMER PROTECTION ACT</u>		
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A		
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses	\$	
2. Total doctor expenses	\$	
3. Total chiropractic expenses	\$	
4. Total physical therapy expenses	\$	
5. Total other expenses (describe below)	\$	
Subtotal (A):		\$
B. Documented lost wages and compensation to date	\$	
C. Documented property damages to date	\$	
D. Reasonably anticipated future medical and hospital expenses	\$	
E. Reasonably anticipated lost wages	\$	
F. Other documented items of damages (describe below)	\$	
G. Briefly describe plaintiff's injury, including the nature and extent of injury:		TOTAL (A-F): \$
CONTRACT CLAIMS (attach additional sheets as necessary)		
Provide a detailed description of claim(s):		TOTAL: \$ <u>750,000.00</u>
Signature of Attorney/Pro Se Plaintiff:		Date: <u>Jan 18, 2019</u>
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.		
CERTIFICATION PURSUANT TO SJC RULE 1:18		
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.		
Signature of Attorney of Record:		Date: <u>Jan 18, 2019</u>

**CIVIL ACTION COVER SHEET INSTRUCTIONS
SELECT CATEGORY THAT BEST DESCRIBES YOUR CASE**

AC Actions Involving the State/Municipality *

- AA1 Contract Action involving Commonwealth, Municipality, MBTA, etc. (A)
- AB1 Tortious Action involving Commonwealth, Municipality, MBTA, etc. (A)
- AC1 Real Property Action Involving Commonwealth, Municipality, MBTA etc. (A)
- AD1 Equity Action Involving Commonwealth, Municipality, MBTA, etc. (A)
- AE1 Administrative Action Involving Commonwealth, Municipality, MBTA, etc. (A)

CN Contract/Business Cases

- A01 Services, Labor, and Materials (F)
- A02 Goods Sold and Delivered (F)
- A03 Commercial Paper (F)
- A04 Employment Contract (F)
- A06 Insurance Contract (F)
- A08 Sale or Lease of Real Estate (F)
- A12 Construction Dispute (A)
- A14 Interpleader (F)
- BA1 Governance, Conduct, Internal Affairs of Entities (A)
- BA3 Liability of Shareholders, Directors, Officers, Partners, etc. (A)
- BB1 Shareholder Derivative (A)
- BB2 Securities Transactions (A)
- BC1 Mergers, Consolidations, Sales of Assets, Issuance of Debt, Equity, etc. (A)
- BD1 Intellectual Property (A)
- BD2 Proprietary Information or Trade Secrets (A)
- BG1 Financial Institutions/Funds (A)
- BH1 Violation of Antitrust or Trade Regulation Laws (A)
- A99 Other Contract/Business Action - Specify (F)

* Choose this case type if ANY party is the Commonwealth, a municipality, the MBTA, or any other governmental entity UNLESS your case is a case type listed under Administrative Civil Actions (AA).

† Choose this case type if ANY party is an incarcerated party, UNLESS your case is a case type listed under Administrative Civil Actions (AA) or is a Prisoner Habeas Corpus case (E97).

ER Equitable Remedies

- D01 Specific Performance of a Contract (A)
- D02 Reach and Apply (F)
- D03 Injunction (F)
- D04 Reform/Cancel Instrument (F)
- D06 Equitable Replevin (F)
- D08 Contribution or Indemnification (F)
- D07 Imposition of a Trust (A)
- D08 Minority Shareholder's Suit (A)
- D09 Interference in Contractual Relationship (F)
- D10 Accounting (A)
- D11 Enforcement of Restrictive Covenant (F)
- D12 Dissolution of a Partnership (F)
- D13 Declaratory Judgment, G.L. c.231A (A)
- D14 Dissolution of a Corporation (F)
- D99 Other Equity Action (F)

EA Civil Actions Involving Incarcerated Party †

- PA1 Contract Action involving an Incarcerated Party (A)
- PB1 Tortious Action involving an Incarcerated Party (A)
- PC1 Real Property Action Involving an Incarcerated Party (F)
- PD1 Equity Action involving an Incarcerated Party (F)
- PE1 Administrative Action involving an Incarcerated Party (F)

TR Torts

- B03 Motor Vehicle Negligence - Personal Injury/Property Damage (F)
- B04 Other Negligence - Personal Injury/Property Damage (F)
- B05 Products Liability (A)
- B06 Malpractice - Medical / Wrongful Death (A)
- B07 Malpractice - Other (A)
- B08 Wrongful Death, G.L. c.229 §2A (A)
- B15 Defamation (A)
- B19 Asbestos (A)
- B20 Personal Injury - Slip & Fall (F)
- B21 Environmental (F)
- B22 Employment Discrimination (F)
- BE1 Fraud, Business Torts, etc. (A)
- B99 Other Tortious Action (F)

RP Real Property

- C01 Land Taking (F)
- C02 Zoning Appeal, G.L. c. 40A (F)
- C03 Dispute Concerning Title (F)
- C04 Foreclosure of a Mortgage (X)
- C05 Condominium Lien & Charges (X)
- C99 Other Real Property Action (F)

MC Miscellaneous Civil Actions

- E18 Foreign Discovery Proceeding (X)
- E97 Prisoner Habeas Corpus (X)
- E22 Lottery Assignment, G.L. c. 10 §28 (X)

AB Abuse/Harassment Prevention

- E15 Abuse Prevention Petition, G.L. c. 209A (X)
- E21 Protection from Harassment, G.L. c. 258E(X)

AA Administrative Civil Actions

- E02 Appeal from Administrative Agency, G.L. c. 30A (X)
- E03 Certiorari Action, G.L. c.249 §4 (X)
- E05 Confirmation of Arbitration Awards (X)
- E06 Mass Antitrust Act, G. L. c. 93 §9 (A)
- E07 Mass Antitrust Act, G. L. c.93 §9 (X)
- E08 Appointment of a Receiver (X)
- E09 Construction Surety Bond, G.L. c. 149 §§29, 29A (A)
- E10 Summary Process Appeal (X)
- E11 Worker's Compensation (X)
- E18 Auto Surcharge Appeal (X)
- E17 Civil Rights Act, G.L. c.12 §11H (A)
- E24 Appeal from District Court Commitment, G.L. c.123 §9(b) (X)
- E26 Pleural Registry (Asbestos cases) (X)
- E84 Forfeiture, G.L. c285 §56 (X)
- E95 Forfeiture, G.L. c.94C §47 (F)
- E99 Other Administrative Action (X)
- Z01 Medical Malpractice - Tribunal only, G.L. c. 231 §80B (F)
- Z02 Appeal Bond Denial (X)

SO Sex Offender Review

- E12 SDP Commitment, G.L. c. 123A §12 (X)
- E14 SDP Petition, G.L. c. 123A §9(b) (X)

RC Restricted Civil Actions

- E19 Sex Offender Registry, G.L. c.8 §178M (X)
- E27 Minor Seeking Consent, G.L. c.112 §12S (X)

TRANSFER YOUR SELECTION TO THE FACE SHEET

EXAMPLE:


CODE NO.	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
B03	Motor Vehicle Negligence-Personal Injury	...	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A

DUTY OF THE PLAINTIFF - The plaintiff shall set forth, on the face of the civil action cover sheet (or attach additional sheets as necessary), a statement specifying the facts on which the plaintiff relies to determine money damages. A copy of such civil action cover sheet, including the statement as to the damages, shall be served with the complaint. A clerk-magistrate shall not accept for filing a complaint, except as otherwise provided by law, unless it is accompanied by such a statement signed by the attorney or pro se party.

DUTY OF THE DEFENDANT - If the defendant believes that the statement of damages filed by the plaintiff is inadequate, the defendant may file with his/her answer a statement specifying the potential damages which may result if the plaintiff prevails.

**A CIVIL COVER SHEET MUST BE FILED WITH EACH COMPLAINT.
FAILURE TO COMPLETE THIS COVER SHEET THOROUGHLY AND ACCURATELY
MAY RESULT IN DISMISSAL OF THIS ACTION.**

CIVIL TRACKING ORDER (STANDING ORDER 1-88)	DOCKET NUMBER 1977CV00099 C	Trial Court of Massachusetts The Superior Court 
CASE NAME: Allen Alper on behalf of Himself and all others similarly situated vs. Select Portfolio Servicing, Inc.		Thomas H. Driscoll, Jr., Clerk of Courts
TO: Select Portfolio Servicing, Inc.		COURT NAME & ADDRESS Essex County Superior Court - Lawrence 43 Appleton Way Lawrence, MA 01841

TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		04/22/2019	
Response to the complaint filed (also see MRCP 12)		05/22/2019	
All motions under MRCP 12, 19, and 20	05/22/2019	06/21/2019	07/22/2019
All motions under MRCP 15	05/22/2019	06/21/2019	07/22/2019
All discovery requests and depositions served and non-expert depositions completed	11/18/2019		
All motions under MRCP 56	12/18/2019	01/17/2020	
Final pre-trial conference held and/or firm trial date set			05/18/2020
Case shall be resolved and judgment shall issue by			01/21/2021

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED 01/24/2019	ASSISTANT CLERK Stefano J Cornello	PHONE (978)242-1900
----------------------------------	--	-------------------------------

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT

Essex County

Docket number: 1977CV00099C

Motion to Appoint a Special Process Server
Pursuant to Rule 4c of the M.R.C.P.

Plaintiff(s): Allen Alper, on behalf of himself and all others similarly situated,

v.

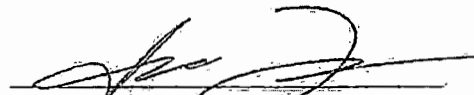
Defendant(s): Select Portfolio Servicing, Inc.

The undersigned moves to request that this honorable court appoint William Dewsnap, of Dewsnap & Associates, LLC or its agents as special process servers in this matter under rule 4c of the Massachusetts Rules of Civil Procedure. We are not parties to this matter, nor do we have any interest in the outcome of this litigation. The above persons are qualified persons over the age of 18 and knowledgeable in the service of process.

Attorney or requesting agent
address:

Sergei Lemberg, Esq.
Lemberg Law, LLC
43 Danbury Road
Wilton, CT 06897

Signed under the pains and penalties of perjury:


Sergei Lemberg, Esq.

Date: January 18, 2018

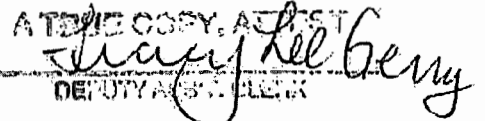
ORDER OF THE COURT APPOINTING SPECIAL PROCESS
SERVERS

Pursuant to rule 4c, it is ordered that William Dewsnap, of Dewsnap & Associates, LLC or its agents thereof, are hereby appointed as special process servers for the above captioned case.


ALLOWED

Signature

Title and date

ATTEST COPY, ALL SET

DEPUTY ASSISTANT CLERK

1/24/19 Fee day
Motion Allowed
attest & Kerca Matzka, Deputy Ass. Clerk

CLERK'S NOTICE	DOCKET NUMBER 1977CV00099 C	Trial Court of Massachusetts The Superior Court 
CASE NAME: Allen Alper on behalf of Himself and all others similarly situated vs. Select Portfolio Servicing, Inc.		Thomas H. Driscoll, Jr., Clerk of Courts
TO: Select Portfolio Servicing, Inc.		COURT NAME & ADDRESS Essex County Superior Court - Lawrence 43 Appleton Way Lawrence, MA 01841
<p style="text-align: center;">You are hereby notified that on 01/22/2019 the following entry was made on the above referenced docket:</p> Endorsement on Motion for Special Process Server (#3.0): ALLOWED Motion Allowed. Attest: Rebecca Matuza Deputy Asst. Clerk Judge: Feeley, Hon. Timothy Q		
DATE ISSUED 01/24/2019	ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Timothy Q Feeley	SESSION PHONE# (978)242-1900

(TO PLAINTIFF'S ATTORNEY: Please Circle Type of Action Involved: - TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER.)

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COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 1977CV00099C

Allen Alger, on behalf of himself and all others Plaintiff(s)
Similarly situated,

Select Portfolio Servicing, Inc. Defendant(s)

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve upon Sergei Lemberg of Lemberg Law, LLC, plaintiff's attorney, whose address is 43 Danbury Rd, 3rd flr. Wilton CT 06897, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at 56 Federal St. Salem MA 01970 either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WITNESS, Judith Fabricant, Esquire, at Salem, the
day of _____, in the year of our Lord two thousand

Thomas H. Russell Jr.
Clerk

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office

NOTES:

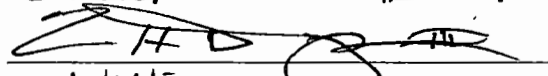
1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on February 6 29:00 am, 2019, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (see Mass. R. Civ. P. (d) (1-5):

by delivering "in-hand" upon Zach Rakosz, Process Specialist, Corporation Service Company, Registered Agent, for Select Portfolio Servicing, Inc. at 84 State Street Boston MA 02109.

Dated: February 8, 2019.


William H. Dushap III

Special Process Server & Disinterested Person

N.B. TO PROCESS SERVER:-

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

February 6, 2019.

Document served:

1. Summons;
2. Complaint;
3. Motion to Appoint Special Process Server;
4. Standing Order; and
5. Notice of Approved Motion.

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT CIVIL ACTION No.

ESSEX, SS.

Plaintiff(s)

v

Defendant(s)

FILED
ESSEX SUPERIOR COURT
2019 FEB 11
SUMMONS
(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

Allen Alper, *on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Case No. 1977CV00099C

NOTICE OF APPEARANCE OF THOMAS M. HEFFERON

Pursuant to Mass. R. Civ. P. 11(b)(2), please enter the appearance of Thomas M. Hefferon of Goodwin Procter LLP as counsel for Defendant Select Portfolio Servicing, Inc. in the above-captioned matter.

Dated: February 22, 2019

Respectfully submitted,



Thomas M. Hefferon (BBO #548289)
GOODWIN PROCTER LLP
901 New York Ave, NW
Washington, DC 20001-4432
Tel.: (202) 346-4000
Fax: (202) 346-4444
thefferon@goodwinlaw.com

Attorney for Select Portfolio Servicing Inc.

CERTIFICATE OF SERVICE

I, Thomas M. Hefferon hereby certify that a copy of the foregoing document was served by email and First Class Mail, postage prepaid, upon all counsel of record on February 22, 2019.



Thomas M. Hefferon

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

Allen Alper, *on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Case No. 1977CV00099C

NOTICE OF APPEARANCE OF DAVID S. KANTROWITZ

Pursuant to Mass. R. Civ. P. 11(b)(2), please enter the appearance of David S. Kantrowitz of Goodwin Procter LLP as counsel for Defendant Select Portfolio Servicing, Inc. in the above-captioned matter.

Dated: February 22, 2019

Respectfully submitted,

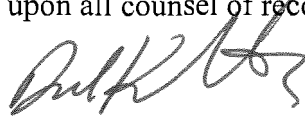


David S. Kantrowitz (BBO #676231)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (617) 570-1000
Fax: (617) 523-1231
DKantrowitz@goodwinlaw.com

Attorney for Select Portfolio Servicing Inc.

CERTIFICATE OF SERVICE

I, David S. Kantrowitz, hereby certify that a copy of the foregoing document was served by email and First Class Mail, postage prepaid, upon all counsel of record on February 22, 2019.



David S. Kantrowitz

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COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

*Allen Alper, on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Case No. 1977CV00099C

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Judicial Court Rule 1:21, Defendant Select Portfolio Servicing, Inc. ("SPS"), by and through its undersigned counsel, submits the following corporate disclosure statement:

SPS is a corporation organized under the laws of the State of Utah, and is a wholly-owned subsidiary of SP Holding Enterprises Corp., which is wholly-owned by Credit Suisse (USA), Inc. Neither SP Holding Enterprises Corp. nor Credit Suisse (USA), Inc. is a publicly-traded corporation. No publicly-held corporation owns 10% or more of SPS's stock.

Respectfully submitted,



David S. Kantrowitz (BBO #676231)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (617) 570-1000
Fax: (617) 523-1231
DKantrowitz@goodwinlaw.com

FILED
ESSEX SUPERIOR COURT
2019 FEB 25 A 10:08

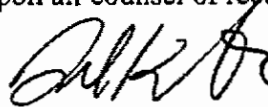
Thomas M. Hefferon (BBO #548289)
GOODWIN PROCTER LLP
901 New York Ave, NW
Washington, DC 20001-4432
Tel.: (202) 346-4000
Fax: (202) 346-4444
thefferon@goodwinlaw.com

Attorneys for Select Portfolio Servicing Inc.

Dated: February 22, 2019

CERTIFICATE OF SERVICE

I, David S. Kantrowitz, hereby certify that a copy of the foregoing document was served by email and First Class Mail, postage prepaid, upon all counsel of record on February 22, 2019.



David S. Kantrowitz

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

*Allen Alper, on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Case No. 1977CV00099C

UNOPOSED MOTION FOR EXTENSION OF TIME

Defendant Select Portfolio Servicing, Inc. (“SPS”) moves for an extension of time to respond to the Complaint of Plaintiff Allen Alper, from February 26, 2019 to March 26, 2019.

Plaintiff assents to this Motion. In support of the Motion, SPS states as follows:

1. Plaintiff served the Complaint on SPS on February 6, 2019. Thus, under Mass. R. Civ. P. 12(a)(1), SPS has until February 26, 2019 to file a responsive pleading.
2. SPS only recently retained Goodwin Procter LLP (“Goodwin”) to serve as counsel in this matter.
3. The requested extension will provide SPS and its counsel sufficient time to coordinate and prepare a responsive pleading in this matter.
4. Plaintiff has agreed to SPS’s request to extend the time to respond to the Complaint until March 26, 2019, and have therefore assented to this Motion.

WHEREFORE, SPS respectfully requests that this Motion be allowed, and that the Court extend the deadline for SPS to respond to the Complaint to March 26, 2019.

Respectfully submitted,



David S. Kantrowitz (BBO #676231)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: (617) 570-1000
Fax: (617) 523-1231
DKantrowitz@goodwinlaw.com

Thomas M. Hefferon (BBO #548289)
GOODWIN PROCTER LLP
901 New York Ave, NW
Washington, DC 20001-4432
Tel.: (202) 346-4000
Fax: (202) 346-4444
thefferon@goodwinlaw.com

Attorneys for Select Portfolio Servicing Inc.

Dated: February 22, 2019

CERTIFICATE OF SERVICE

I, David S. Kantrowitz, hereby certify that a copy of the foregoing document was served by email and First Class Mail, postage prepaid, upon all counsel of record on February 22, 2019.



David S. Kantrowitz

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COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

SUPERIOR COURT DEPARTMENT

Allen Alper, on behalf of himself and all others similarly situated,

Plaintiff,

v.

Select Portfolio Servicing, Inc.,

Defendant.

Date: 2/27/19, after hearing/ upon review/
this motion is ALLOWED/DENIED
The court finds orders
Signed: John T. Lu, JSC

Case No. 1977CV00099C

UNOPPOSED MOTION FOR EXTENSION OF TIME

Defendant Select Portfolio Servicing, Inc. ("SPS") moves for an extension of time to respond to the Complaint of Plaintiff Allen Alper, from February 26, 2019 to March 26, 2019.

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1. Plaintiff served the Complaint on SPS on February 6, 2019. Thus, under Mass. R. Civ. P. 12(a)(1), SPS has until February 26, 2019 to file a responsive pleading.
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4. Plaintiff has agreed to SPS's request to extend the time to respond to the Complaint until March 26, 2019, and have therefore assented to this Motion.

WHEREFORE, SPS respectfully requests that this Motion be allowed, and that the Court extend the deadline for SPS to respond to the Complaint to March 26, 2019.

FILED
ESSEX SUPERIOR COURT
2019 FEB 25 A 10:08