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## TV subscribers stung by added charges, file class-action lawsuit

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Few bills arriving in the mail are welcome, but certain billers are more daunting than others.

Should the tuckpointer send a bill higher than agreed, a friendly discussion about his “extras” likely lies ahead.

If the delivery kid shows up with the pizzas but asks for more than what’s on that menu kept in the kitchen drawer under the silverware tray, the difference may or may not be disputed, depending how hungry the crowd is.

And unrecognized entries on the credit card bill may lead the cardholder to dispute the charge, until a certain 17-year-old daughter owns up to that recent shopping trip in the city when she ran out of cash.

On the opposite end of the spectrum of imposing billers lie the government, hospitals, and utilities. Challenging a mistaken tax, medical or utility bill usually takes more time and effort than most Joe Schmos have available.

Cable television billing in particular seems to intimidate consumers, even when they suspect they’re getting overcharged. A recent Consumer Reports survey reveals massive dissatisfaction by consumers with their subscription TV services.

A similar survey published in June by the University of Michigan’s American Customer Satisfaction Index showed customer satisfaction with cable services fell to a seven-year low. The survey measured customer satisfaction among 43 different industries, and cable TV tied for last with Internet services. Forty-third out of 43 means they finished behind airlines, fast-food restaurants and the Postal Service.

Reflective of this longstanding dissatisfaction with cable TV, recall Sting's 1985 desire for a new cable offering when he crooned about wanting his MTV. Fittingly, the lyric appeared in the Dire Straits song "Money for Nothing."

Submissively paying cable bills with confusing added charges may be on the wane, however. Enter certain Joe Schmos named Matti Yousif of San Diego, Elizabeth Ioane of Oceanside, Calif., Zach Beimes of Henderson, Nev., and Dawn Harrell of Phoenix.

Before they subscribed, these four consumers each received marketing materials from Advanced TV cable television service allegedly promising an all-inclusive price.

Specifically, Advanced TV allegedly represented that its advertised price for service covered the total amount of the monthly recurring fees after all applicable promotional discounts, and the only other charges subscribers would face were government-mandated taxes, fees and surcharges.

Based on these representations, Yousef, Ioane, Beimes, Harrell and purportedly thousands of others signed up. But according to them, once Advanced TV had them in the fold, other monthly charges soon followed.

The class-action complaint filed by these aggrieved television subscribers in San Diego focuses on one such allegedly undisclosed and unauthorized charge added to customers' bills, thereby wrongfully generating millions for Advanced TV: a confusingly labeled and unexplained fee for "Advanced TV."

The plaintiffs seek to certify classes of all California, Nevada and Arizona persons who subscribed and paid this separate "Advanced TV" fee beyond the monthly recurring charges. Named as defendants are the providers of the disputed cable TV service, CoxCom LLC, the nation's third largest cable and broadband company, and Cox Communications California LLC, a CoxCom subsidiary.

Based on this contested surcharge to plaintiffs' cable TV bills, the plaintiffs have devised eight statutory and common-law counts ranging from consumer fraud to breach of express warranty to conversion.

The class plaintiffs seek not only restitution, but injunctive and declaratory relief, disgorgement, punitive damages, attorney fees, imposition of a constructive trust, and an unlikely court order requiring the defendants to engage in a corrective advertising campaign.

The defendants will surely challenge some or all of these legal theories, but evidence of deceptive or misleading marketing practices, especially those that leave unwary customers feeling helpless, often lead to prompt class settlements.

As for Yousif, Ioane, Beimes and Harrell, they will have to wean themselves from the defendants' product, if possible, and find their MTV on another outlet. As they turn off Advanced TV, perhaps they'll see the love-hate relationship many subscribers seem to have with their cable providers summarized in more Sting lyrics: "I guess this is our last goodbye, and you don't care so I won't cry."

The song's apt title is "Can't Stand Losing You," while the case filed in the California Superior Court, San Diego County, is *Yousif v. CoxCom LLC*, No. 37-2015-00018071.

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