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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,  
Plaintiff

v.

Real Innovation Inc, Richardson  
Marketing Group LLC, Deryck D  
Richardson, and Peter Reiersen  
Defendants.

CASE NO. No. 3:24-cv-05194-DGE

**NOTICE OF DEPOSITION**

**PURSUANT TO FRCP 30(B)(6)**

NOTICE OF DEPOSITION PURSUANT TO FRCP 30(B)(6)

TO: CLERK OF THE COURT  
Real Innovation Inc via Jensen Mauseth, counsel for Defendant

Plaintiff will take the deposition upon oral examination of through such officer, director,  
managing agent, or other persons as may be designated by the Defendant upon oral examination  
before a court reporter at the following time and place:

**DEPONENT:** Real Innovation Inc  
**DATE:** November 21, 2024  
**START TIME:** 10:20 a.m. Pacific Time  
**LOCATION:** Office of Mauseth Legal PLLC  
16108 Ash Way Suite 201, Lynwood WA 98087

1 The oral examination to be subject to continuance or adjournment from time to time or  
2 place to place until completed, and to be taken on the grounds and for the reason the said  
3 witnesses will give evidence material to the establishment of Plaintiff's case.

4 **Matters for Examination**

5 Pursuant to FRCP 30(b)(6), Real Innovation Inc ("RI" or "RIL") is required to designate  
6 and fully prepare one or more officers, directors, managing agents, or other people who consent  
7 to testify on behalf of Real Innovation Inc, and whom Real Innovation Inc will fully prepare to  
8 testify regarding all information that is known or reasonably available to Real Innovation Inc's  
9 organization regarding the following designated matters:

- 10 1. Documents RI has disclosed to Barton as part of discovery in this case, including  
11 audio recordings.
- 12 2. How RI obtained consent to call the (972) 207 5749 phone number. Are there more  
13 documents relevant to this that have not been disclosed to Mr. Barton?
- 14 3. Complaints RI has received about unwanted phone calls RI's vendors were  
15 transferring to RI.
- 16 4. What RI did or didn't do in response to complaints RI has received about unwanted  
17 phone calls RI's vendors were transferring to RI.
- 18 5. How RI obtained consent for entities to call the (972) 207 5749 phone number on its  
19 behalf. Are there more documents relevant to this that have not been disclosed to Mr.  
20 Barton?
- 21 6. What information does RI have that Barton consented to receive calls at phone  
22 number (972) 207 5749 from RI, Richardson Marketing Group LLC ("RMG"), or  
23 Progressive BPO ("BPO")?
- 24 7. To your knowledge, did RMG and BPO know of each other? If YES what  
knowledge of this did you have? When did you first know this?
8. To your knowledge, did RMG and BPO work together? If YES what knowledge of  
this did you have? When did you first know this?

- 1 9. Name the other companies RI was contracting with during 2023 with to transfer calls  
2 to RI that were providing similar services as BPO and RMG. When during 2023  
3 were those companies' transferring callers to RI? If YES what knowledge of this did  
4 you have? When did you first know this?
- 5 10. Name the other companies RI was contracting with during 2024 with to transfer calls  
6 to RI that were providing similar services as BPO and RMG. When during 2024  
7 were those companies' transferring callers to RI? If YES what knowledge of this did  
8 you have? When did you first know this?
- 9 11. To your knowledge, did any of these companies RI was contracting with to transfer  
10 calls to RI know each other? If YES what knowledge of this did you have? When  
11 did you first know this?
- 12 12. To your knowledge, did any of these companies RI was contracting with to transfer  
13 calls to RI work together? If YES what knowledge of this did you have? When did  
14 you first know this?
- 15 13. What information does RI have that Barton consented to receive calls at phone  
16 number (972) 207 5749 on RI's behalf. Are there more documents relevant to this?
- 17 14. What documents does RI have that supports any claim that Barton consented to  
18 receive calls at phone number (972) 207 5749 from RI, RMG, or BPO?
- 19 15. What information does RI have about Barton that they may use to discredit Barton.  
20 Are there documents relevant to this?
- 21 16. What parties is the Lead Provision Agreement (Pages 43-44 of Dkt. 12) binding on  
22 and why?
- 23 17. Did you sign anything with RMG that supersedes or modifies the Lead Provision  
24 Agreement (Pages 43-44 of Dkt. 12)? If YES, what did you sign? What were the  
terms of what you signed? When did you sign it?
18. What parties is Exhibit A (Page 45 of Dkt. 12) binding on and why?
19. Did you sign anything with RMG that supersedes or modifies Exhibit A (Page 45 of  
Dkt. 12)? If YES, what did you sign? What were the terms of what you signed?  
When did you sign it?
20. What is or was the name of each RI corporate executive during the years 2022 and  
2023.

- 1 21. What state was each RI corporate executive located in during the years 2022 and  
2 2023.
- 3 22. During the year 2023 who decided if Peter Reiersen is making good business  
4 decisions for RI. For anyone you identify, what is their role and title at RI?
- 5 23. During the year 2023 who could fire Peter Reiersen from his role at RI. For anyone  
6 you identify, what is their role and title at RI?
- 7 24. In your answer to Production Request No. 15 you said “Real Innovation objects that  
8 any “telephone solicitation” was “initiated” on its behalf. What do you understand  
9 “initiated” in Production Request No. 15 to mean? What do you understand  
10 “initiated” to mean?
- 11 25. Do you believe that dialing someone’s phone number is initiating a call? Why or  
12 why not?
- 13 26. During the years 2022 and 2023 what corporate executives were responsible for  
14 deciding how to resolve complaints of RI’s vendors initiating unwanted telephone  
15 calls to people like Barton and those calls being transferred to RI.
- 16 27. During the year 2023, what process did RI use to resolve complaints of your vendors  
17 initiating unwanted telephone calls to people like Barton and those calls being  
18 transferred to RI. Is the process documented somewhere?
- 19 28. What were the names of the corporate executives who took part in deciding to hire  
20 RMG and BPO.
- 21 29. What does the term due diligence mean to you.
- 22 30. Were there any criteria other than the cost that determined why RMG was hired, and  
23 if so, what were they? Is there any tangible evidence of this?
- 24 31. Were there any criteria other than the cost that determined why BPO was hired, and if  
so, what were they? Is there any tangible evidence of this?
32. What if any due diligence did you complete to have confidence RMG would obey  
telemarketing laws before you entered into a contract with them.
33. What corporate executive or executives were responsible for deciding what due  
diligence was needed before you entered into a contract with RMG?
34. Are there documents showing the process RI used to decide to hire RMG? If YES  
what are those documents?
35. Did Peter Rierson know what due diligence was done before hiring RMG? Are there  
documents discussing it?

- 1 36. Did RI ever ask RMG to explain how they complied with the telemarketing laws of  
2 every state they called into? If YES when did you first ask them? Are there  
documents showing what you asked or how they responded?
- 3 37. Did RI ever ask RMG to explain how they complied with the telemarketing laws of  
4 any state they called into? If YES when did you first ask them? Are there documents  
showing what you asked or how they responded?
- 5 38. Did RI ever check public records to see if RMG had a history of violating  
6 telemarketing laws? If yes, what is the date you first checked? Are there documents  
showing what you searched and what you found?
- 7 39. Did RMG need a valid (972) area code Subscription Account Number during the  
8 times RMG called (972) 207-5749 and transferred the call to you?
- 9 40. Did RI ever know RMG's 2023 Subscription Account Numbers for the area codes  
they were transferring calls to you? If yes, what is the first date you knew? Are there  
documents showing what you knew?
- 10 41. Did RI ask to see RMG's 2023 Subscription Account Numbers for the area codes  
11 they were transferring calls to you? If yes, what is the date you first asked? Are there  
documents showing you asking RMG, or their response?
- 12 42. Before signing the Lead Provision Agreement (Dkt 12 pages 43-45), did you have  
13 any reason to know that RMG was willing to sell you the phone numbers of people  
14 who did not consent to solicitation calls as a Lead? If so what if anything did you to  
determine if RMG was selling the phone numbers of people who did not consent to  
solicitation calls as a Lead?
- 15 43. Before signing the Lead Provision Agreement (Pages 43-44 of Dkt. 12), did you have  
16 any reason to know that RMG was willing to sell you the phone numbers of people  
17 who did not want solicitation calls as a Lead? If so what if anything did you to  
determine if RMG was selling the phone numbers of people who did not want  
solicitation calls as a Lead?
- 18 44. What if any due diligence did you do to have confidence BPO would obey  
19 telemarketing laws before you entered into a contract with them? Are there  
documents showing the due diligence you did?
- 20 45. What corporate executive was responsible for deciding what due diligence was  
21 needed before you entered into a contract with BPO?
- 22 46. Did Peter Rierson know what due diligence was done before hiring BPO? Are there  
23 documents showing what Peter Rierson before BPO was hired?

- 1 47. Did RI ever ask BPO to explain how they complied with the telemarketing laws of  
2 every state they called into? If yes, what is the first date you asked? Are there  
documents showing what RI asked BPO?
- 3 48. Did RI ever ask BPO to explain how they complied with the telemarketing laws of  
4 any state they called into? If yes, what is the first date you asked? Are there  
documents showing what RI asked?
- 5 49. Did RI ever ask BPO to explain how they complied with any federal telemarketing  
6 laws? If yes, what is the first date you asked? Are there documents showing what RI  
asked?
- 7 50. Did RI ever check public records to see if BPO had a history of violating  
8 telemarketing laws? If yes, what is the date you first checked? What public records  
did you check? Are there documents showing what RI checked and the results they  
got?
- 9 51. Did BPO need a valid (972) area code Subscription Account Number during the time  
10 or times BPO called (972) 207-5749 and transferred the call to you?
- 11 52. Did RI ever know BPO's 2023 Subscription Account Numbers for the area codes  
12 they were transferring calls to you? If yes, what is the first date you knew? Are there  
documents showing what RI knew BPO's 2023 Subscription Account Numbers for  
the area codes they were transferring calls to you?
- 13 53. Did RI ever ask to see BPO's 2023 Subscription Account Numbers for the area codes  
14 they were transferring calls to you? If yes, what is the date you first asked? Are there  
documents showing what you asked BPO to show and what if anything they gave you  
15 in return?
- 16 54. What RI corporate executive or executives were responsible for RI deciding not to  
have a Subscription Account Number for the (972) area code during the year 2023?
- 17 55. What RI corporate executive or executives were responsible for RI deciding not to  
18 have a Subscription Account Number for any area code during the year 2023?
- 19 56. What does the word "solicitation" mean?
- 20 57. What does the word "evidence" mean?
- 21 58. What services did BPO provide you from March 21, 2023, through present.
- 22 59. What services did RMG provide you from July 24, 2023, through December 6, 2023.
- 23 60. Were all the RMG services they provided you governed by the Lead Provision  
Agreement (Pages 43-44 of Dkt. 12) signed on 7/24/2023?

- 1 61. Did you sign the Lead Provision Agreement (Pages 43-44 of Dkt. 12)? Please  
2 highlight where you signed on this copy of the Lead Provision Agreement.
- 3 62. Where is your name or how are you identified in the Lead Provision Agreement  
4 (Pages 43-44 of Dkt. 12)? Please highlight where you are identified on this copy of  
5 the Lead Provision Agreement.
- 6 63. Did you read the Lead Provision Agreement (Pages 43-44 of Dkt. 12) before it was  
7 made effective on 7/24/2023?
- 8 64. Did you understand everything in the Lead Provision Agreement (Pages 43-44 of  
9 Dkt. 12) before it was made effective on 7/24/2023?
- 10 65. Did you have an opportunity to ask RMG about anything you didn't understand in the  
11 Lead Provision Agreement (Pages 43-44 of Dkt. 12) before it was made effective on  
12 7/24/2023?
- 13 66. Did you ask RMG about anything you didn't understand in the Lead Provision  
14 Agreement (Pages 43-44 of Dkt. 12) before it was made effective on 7/24/2023? If  
15 YES are there any documents showing what you asked RMG? Are there any  
16 documents showing their responses?
- 17 67. Did the name Chuck Hoskovec in the Lead Provision Agreement (Pages 43-44 of  
18 Dkt. 12) really mean RI?
- 19 68. Didn't the Lead Provision Agreement (Pages 43-44 of Dkt. 12) say: "Buyer is  
20 responsible for ensuring compliance with all state and federal laws and regulations  
21 regarding its purchase and use of the Leads."?
- 22 69. Because the Lead Provision Agreement (Pages 43-44 of Dkt. 12) said: "Buyer is  
23 responsible for ensuring compliance with all state and federal laws and regulations  
24 regarding its purchase and use of the Leads." weren't you responsible for compliance  
with all state law regulations regarding the use of the Leads?
70. Because the Lead Provision Agreement (Pages 43-44 of Dkt. 12) said: "Buyer is  
responsible for ensuring compliance with all state and federal laws and regulations  
regarding its purchase and use of the Leads." weren't you responsible for compliance  
with all federal law regulations regarding the use of the Leads?
71. Does the Lead Provision Agreement (Pages 43-44 of Dkt. 12) say: "This Agreement  
represents the entire agreement of the parties and may be amended only by a writing  
signed by each of them." Can you highlight any other portions that you believe  
contradicts this on this copy of the Lead Provision Agreement?
72. Where is Exhibit A (Page 45 of Dkt. 12) signed by RMG? Can you highlight on this  
copy of Exhibit A where it was signed by RMG?

- 1 73. Isn't it true that Exhibit A (Page 45 of Dkt. 12) does not modify the Lead Provision  
2 Agreement (Pages 43-44 of Dkt. 12) unless it was signed by RMG? Do you have any  
evidence to the contrary?
- 3 74. If you don't agree that Exhibit A (Page 45 of Dkt. 12) does not modify the Lead  
4 Provision Agreement (Pages 43-44 of Dkt. 12) because it was not signed by RMG,  
what facts do you have that supports your assertion?
- 5 75. If you don't agree that Exhibit A (Page 45 of Dkt. 12) does not modify the Lead  
6 Provision Agreement (Pages 43-44 of Dkt. 12) because it was not signed by RMG,  
what documents do you have that supports your assertion?
- 7 76. If you don't agree that Exhibit A (Page 45 of Dkt. 12) does not modify the Lead  
8 Provision Agreement (Pages 43-44 of Dkt. 12) because it was not signed by RMG,  
what witnesses do you have that support your assertion?
- 9 77. In Exhibit A (Page 45 of Dkt. 12) did Peter Reiersen agree that "I authorize RMG to  
10 charge the above credit card, monthly, in compliance with this Agreement and  
Exhibit A"?
- 11 78. Ignoring Exhibit A (Page 45 of Dkt. 12), what if any parts of the Lead Provision  
12 Agreement (Pages 43-44 of Dkt. 12) do you allege RMG to have breached? Please  
highlight them on this copy of the Lead Provision Agreement.
- 13 79. Isn't it true that ignoring Exhibit A (Page 45 of Dkt. 12), RMG never said the Leads  
14 they provided would comply with any telemarketing law? If NO do you have any  
documents to the contrary? Can you highlight any words to the contrary on this copy  
of the Lead Provision Agreement (Pages 43-44 of Dkt. 12)?
- 15 80. Isn't it true that ignoring Exhibit A (Page 45 of Dkt. 12), the Lead Provision  
16 Agreement (Pages 43-44 of Dkt. 12) put the burden on you to "ensuring compliance  
with all state and federal laws and regulations regarding its purchase and use of the  
17 Leads"? If NO do you have any documents to the contrary?
- 18 81. Do you know what the Washington State telemarketing laws are you would have to  
19 comply with if you wanted to be "ensuring compliance with all state and federal laws  
and regulations regarding its purchase and use of the Leads"?
- 20 82. Do you know what the federal telemarketing laws are you would have to comply with  
21 are if you wanted to be "ensuring compliance with all state and federal laws and  
22 regulations regarding its purchase and use of the Leads"?
- 23 83. What actions did RI take to comply with your responsibility under the Lead Provision  
24 Agreement (Pages 43-44 of Dkt. 12) for "ensuring compliance with all state and  
federal laws and regulations regarding its purchase and use of the Leads"?
84. Are those actions documented?

- 1 85. What form is the documentation in?
- 2 86. Isn't it true that ignoring Exhibit A (Page 45 of Dkt. 12), the Lead Provision  
3 Agreement (Pages 43-44 of Dkt. 12) disclaimed all warranties of merchantability or  
4 fitness for a particular purpose?
- 5 87. Isn't it true that the **Limitation of Liability and Warranties** section of the Lead  
6 Provision Agreement (Pages 43-44 of Dkt. 12) disclaimed all warranties of  
7 merchantability or fitness for a particular purpose, and then said THE FOREGOING  
8 LIMITATION SHALL APPLY NOTWITHSTANDING ANYTHING  
9 ELSEWHERE IN THIS AGREEMENT?
- 10 88. If that is true, even if Exhibit A (Page 45 of Dkt. 12) was binding on RMG, why  
11 doesn't the **Limitation of Liability and Warranties** section of the Lead Provision  
12 Agreement (Pages 43-44 of Dkt. 12) override the "All calls and leads provided by  
13 Richardson Marketing Group are TCPA compliant" portion of Exhibit A?
- 14 89. Isn't it true that the **Miscellaneous** section of the Lead Provision Agreement (Pages  
15 43-44 of Dkt. 12) says "This Agreement represents the entire agreement of the parties  
16 and may be amended only by a writing signed by each of them. It supersedes any  
17 agreements, written or oral, by and between the parties."
- 18 90. Isn't it true that the **Miscellaneous** section of the Lead Provision Agreement (Pages  
19 43-44 of Dkt. 12) says "This Agreement represents the entire agreement of the parties  
20 and may be amended only by a writing signed by each of them. It supersedes any  
21 agreements, written or oral, by and between the parties."
- 22 91. Isn't it true that the **Miscellaneous** section of the Lead Provision Agreement (Pages  
23 43-44 of Dkt. 12) says "Buyer may not assign this Agreement without the prior  
24 written consent of RMG."
92. Did RMG give Chuck Hoskovec written consent to assign the Agreement to another  
entity? If YES Do you have it? Have you seen it?
93. Isn't it true that Exhibit A in Dkt. 12, page 45, is undated?
94. What 8 states did you not want under the Territory portion of Exhibit A (Page 45 of  
Dkt. 12) of the Lead Provision Agreement (Pages 43-44 of Dkt. 12)?
95. Was your account with RMG a Subscription Account as the term is used in Exhibit A  
(Page 45 of Dkt. 12)?
96. What did "2 minute buffer included" in Exhibit A (Page 45 of Dkt. 12) mean?
97. What did the sentence "Buyer will maintain records of and provide contact  
information for all individuals who request no further solicitation or contact for  
purposes of soliciting the products offered, in accordance with all state and federal

1 laws and regulations (the “Opt Out List”)” in the Lead Provision Agreement (Pages  
2 43-44 of Dkt. 12) mean?

3 98. What did the sentence “Buyer will provide RMG with the Opt Out List to ensure  
4 RMG knows when individuals identified in the Leads request no further solicitations”  
5 in the Lead Provision Agreement (Pages 43-44 of Dkt. 12) mean?

6 99. On what date did you start talking to RMG about entering into a Lead Provision  
7 Agreement (Pages 43-44 of Dkt. 12)?

8 100. If you don’t know the exact date, what is the most precise time period you can give?

9 101. Did you ever have a conversation directly with Deryck Richardson? If so, on what  
10 dates?

11 102. Is it correct that the Lead Provision Agreement (Pages 43-44 of Dkt. 12) says “RMG  
12 desires to refer certain prospective customers or leads to Buyer (the “Leads”), and  
13 Buyer desires to receive such Lead Information from RMG”?

14 103. What does the term “Warm transfer” mean in the context of the services RMG and  
15 BPO were providing you?

16 104. Did you hire RMG to refer prospective customers to you?

17 105. Is that the same as saying you hired RMG to refer Leads to you?

18 106. Can we agree for this deposition that a Lead is someone RMG or BPO believed might  
19 be a prospective customer for you?

20 107. Does the Lead Provision Agreement (Pages 43-44 of Dkt. 12) say that Leads provided  
21 by Richardson Marketing Group are TCPA compliant?

22 108. Does Exhibit A (Page 45 of Dkt. 12) say that Leads provided by Richardson  
23 Marketing Group are TCPA compliant?

24 109. Where in the Lead Provision Agreement or Exhibit A is “TCPA” defined, or what  
other document defines “TCPA”?

110. What exactly did you understand “TCPA” to mean as it was used in the Lead Exhibit  
A (Page 45 of Dkt. 12)?

111. How do you know you and RMG understood “TCPA” to mean the same thing?

112. Is there a document that shows you and RMG understood “TCPA” to mean the same  
thing?

113. Where in the Lead Provision Agreement or Exhibit A is “TCPA compliant” defined,  
or what other document defines “TCPA compliant”?

- 1 114. What exactly did you understand “TCPA compliant” to mean as it was used in the  
2 Lead Exhibit A (Page 45 of Dkt. 12)? Is it documented? If YES, in what form?
- 3 115. How do you know you and RMG understood “TCPA compliant” to mean the same  
4 thing? Is it documented? If YES, in what form?
- 5 116. Is there a document that shows you and RMG understood “TCPA compliant” to mean  
6 the same thing?
- 7 117. Could RMG have reasonably understood “TCPA compliant” to mean it complied  
8 with a portion of the TCPA? If NO, why not?
- 9 118. Did you say in Interrogatory No 1 “After verifying that the individual is indeed  
10 interested in Real Innovation’s products, the marketer refers the individual to Real  
11 Innovation by transferring a telephone call to Real Innovation after the individual  
12 provides consent.”
- 13 119. How was RMG going to refer Leads to you?
- 14 120. Was it going to involve phone calls?
- 15 121. Was RMG going to transfer phone calls to you?
- 16 122. Who was going to talk to these transferred Leads on your behalf?
- 17 123. Did you know how RMG was going to get these Leads on the phone so that they  
18 could be transferred to you? Are there documents showing how RMG was going to  
19 get those leads on the phone?
- 20 124. Did you know before you hired RMG how they were going to get these Leads on the  
21 phone so that they could be transferred to you? Are there documents showing what  
22 you knew before you hired RMG? What did you know about how RMG was going to  
23 get these Leads on the phone?
- 24 125. Did you ever ask RMG how they were going to get these Leads on the phone so that  
they could be transferred to you? If Yes what did they say? Are there documents  
showing you asking RMG? Or their response?
126. Did you think Leads were calling RMG and then getting transferred to you? What  
did you think?
127. Did you think RMG was calling Leads and then transferring them to you? What did  
you think?
128. If YES: did you think RMG itself was calling the Leads, or was hiring someone else  
to start the calls and then had the calls transferred to RMG? What did you think?

- 1 129. Did you ever ask RMG who was initiating the calls of the Leads they were  
2 transferring to you? If YES what did they say? Are there documents showing you  
asking RMG? Or their response?
- 3 130. Did your understanding of who was actually initiating the calls to the Leads ever  
4 change? Are there documents showing your changing understanding? What was your  
understanding?
- 5 131. Did you ever come to know who was initiating the calls to the Leads that RMG was  
6 transferring to you? If YES, who was initiating the calls and when did you learn it?  
Are there documents showing the identity of who was initiating the calls?
- 7 132. In your answer to Production Request No. 15 you said “Real Innovation objects that  
8 any “telephone solicitation” was “initiated” on its behalf. Real Innovation, Inc.  
contracts with marketing companies to refer prospective customers to Real  
9 Innovation. Real Innovation does not authorize any marketer to make calls on its  
10 “behalf” or to encourage or advertise Real Innovation’s products.” What do you  
understand “calls on your behalf” in Production Request No. 15 to mean? What do  
you believe “calls on your behalf” means?
- 11 133. Isn’t RMG calling phone numbers and then transferring the call to you if the person  
12 they called seems interested in the products you offer making calls on your behalf? If  
not, on whose behalf are they calling?
- 13 134. Isn’t BPO calling phone numbers and then transferring the call to you if the person  
14 they called seems interested in the products you offer making calls on your behalf? If  
not, on whose behalf are they calling?
- 15 135. Have you ever heard the term Robocall?
- 16 136. Did you know what a Robocall is?
- 17 137. Did you know that Leads getting transferred to you from RMG were first brought on  
18 the line with a Robocall? If YES when did you first know? Are there documents  
showing what you knew about RMG using robocalls to generate Leads for you?
- 19 138. On what date did the phone call in RI\_0002 take place?
- 20 139. Did you record the RI\_0002 call? If NO, who recorded RI\_0005? Who did you get it  
from? Where did they get it from?
- 21 140. Is the call in RI\_0002 a true and accurate copy of conversation between you and me?
- 22 141. Is RI\_0002 a true and accurate recording of the entirety of the call? If NO what  
portion of the call does this recording not capture?
- 23 142. When did Peter Reierson become aware of the RI\_0002 call? Are there documents  
24 showing how and when Peter Reierson first become aware of the RI\_0002 call?

- 1 143. What is the name of the person in the RI\_0002 call who sells your products and  
2 services?
- 3 144. What are the names of everyone in the RI\_0002 call?
- 4 145. At the time of the RI\_0002 call did Peter Reiersen and Patrick McNiel know each  
5 other? What was the nature of the relationship?
- 6 146. If not, what is the name of the person selling your products or services in RI\_0002?
- 7 147. Did Mr. McNeal speak with Mr. Barton the day before the call in RI\_0002?
- 8 148. In the call the day before the call in RI\_0002, did Mr. Barton call Mr. McNeal?
- 9 149. In the call the day before the call in RI\_0002, did Mr. McNeal hang up on Mr.  
10 Barton?
- 11 150. At the time of the call in RI\_0002 did Mr. McNeal work for you as an employee?
- 12 151. At the time of the call in RI\_0002 did Mr. McNeal work for you as a contractor?
- 13 152. At the time of the call in RI\_0002 was Mr. McNeal authorized to sell your products  
14 and services?
- 15 153. At the time of the call in RI\_0002 was Mr. McNeal authorized to sell your products  
16 and services over the phone?
- 17 154. At the time of the call in RI\_0002 was Mr. McNeal authorized to speak for you?
- 18 155. At the time of the call in RI\_0002 was Mr. McNeal authorized to receive information  
19 for you?
- 20 156. At the time of the call in RI\_0002 was Mr. McNeal authorized to take do-not-call  
21 requests from Leads?
- 22 157. At the time of the call in RI\_0002 was Mr. McNeal authorized to listen to unwanted  
23 phone call complaints from Leads?
- 24 158. Did you have a contract with Mr. McNeal that was in effect during the time of the  
RI\_0002 call? If YES what were the terms of the contract?
159. What policies should Mr. McNeal have followed when Mr. Barton told him Mr.  
Barton was receiving unwanted calls that led me to you? Is there a document  
showing those policies?
160. Did Mr. McNeal follow those policies?

- 1 161. What if any policies did Mr. McNeal not follow after Mr. Barton told him Mr. Barton  
2 was receiving unwanted calls that led him to you?
- 3 162. What policies did you have for situations when you receive complaints of unwanted  
4 calls that are transferred to you? Is there a document showing those policies?
- 5 163. Did you follow those policies?
- 6 164. What if any policies did you not follow after Mr. Barton told Mr. McNeal Mr. Barton  
7 was receiving unwanted calls that led him to you? Was anyone disciplined or  
8 retrained for not following those policies?
- 9 165. At the time of the call in RI\_0002 was Mr. McNeal authorized to pass along to you  
10 details of unwanted phone calls he learned from Leads?
- 11 166. At the time of the call in RI\_0002 did Mr. McNeal have a duty to pass along to you  
12 details of unwanted phone calls he learned from Leads?
- 13 167. After you learned Mr. Barton did not want calls during the RI\_0002 call, did you tell  
14 BPO to put (972) 207 5749 on their do not call list? If YES, on what date did you tell  
15 BPO to put (972) 207 5749 on their do not call list?
- 16 168. Did Mr. McNeal email Real Innovation Inc.'s marketing director about the  
17 conversation he had with Mr. Barton in the RI\_0002 call? If YES did you save this  
18 email?
- 19 169. Did Mr. McNeal tell anyone at RI about the conversation he had with Mr. Barton in  
20 the RI\_0002 call? If YES is the conversation documented in some way?
- 21 170. Did the Real Innovation Inc. marketing director ever reach out to Mr. Barton? If  
22 YES, what happened?
- 23 171. Did Real Innovation Inc. ever reach out to Mr. Barton to ask for more information to  
24 help them investigate his complaints? If YES, what happened? If NO, why not?
172. If NO, who decided RI should not to reach out to Mr. Barton for more information?
173. Was there discussion inside of RI as to whether to reach out to Mr. Barton for more  
information? If YES is the discussion documented in some way?
174. At what time point in the RI\_0002 call did Mr. McNeal confirm that Mr. Barton's  
contact number was (360) 518-5521?
175. By the end of the RI\_0002 call did you have reason to know RMG was robocalling  
Leads before they were transferred to you?
176. By the end of this RI\_0002 call did you have reason to know RMG was calling Mr.  
Barton on your behalf?

1 177. By the end of this RI\_0002 call did you have reason to know RMG was placing calls  
2 to Mr. Barton without my consent?

3 178. By the end of this RI\_0002 call did you have reason to know RMG was placing calls  
4 to Mr. Barton without your consent?

5 179. Did this RI\_0002 call cause you to ask RMG if they had Mr. Barton consent for the  
6 call in RI\_0002? If YES what was the first date you asked?

7 180. Did you discipline RMG for transferring the RI\_0002 call to you?

8 181. If YES: What was the discipline?

9 182. If YES: What date was the discipline?

10 183. In how many other calls transferred from RMG did the person on the phone complain  
11 about the call being unwanted? If YES Were those complaints before or after the call  
12 in RI\_0002? What were the dates of those complaints?

13 184. Did you care how RMG was getting Leads on the phone? Are there any documents  
14 showing you supervising how RMG was getting Leads on the phone?

15 185. How much was RMG charging you for a Lead?

16 186. How much was BPO charging you for a Lead?

17 187. Around the time you hired RMG and BPO did you get price quotes for similar Leads  
18 from other vendors? If YES what did each other vendor charge for a lead similar to  
19 what RMG and BPO provided?

20 188. You said that you contracted with RMG through December 6, 2023. On August 11,  
21 2023, did you have reason to know RMG was identifying themselves to Mr. Barton as  
22 "American Benefits"?

23 189. Did you ever ask RMG why they were identifying themselves as American Benefits?  
24 If YES is that conversation documented? What form is the documentation in?

190. Did you investigate if RMG was allowed to do business under the name American  
Benefits? If YES what was the date you first started investigating? Is that  
investigation documented?

191. You said that you no longer contracted with RMG after December 6, 2023. Why did  
the relationship end?

192. Who ended the relationship? Was it ended in writing?

193. On what date did you receive the first summons and complaint in this lawsuit?

- 1 194. On 9/22/2023 did you tell RMG “We appreciate you being a good business partner  
2 and look forward to a long relationship?”
- 3 195. By 9/22/2023 had you asked RMG for evidence they had consent to be calling (972)  
4 207-5749?
- 5 196. Did you ever ask RMG for evidence they had consent to be calling (972) 207-5749?
- 6 197. If YES: Did RMG provide it? If YES What entity did they get it from? What is that  
7 entities name and address?
- 8 198. If YES: What evidence did RMG provide to you indicating RMG had consent to be  
9 calling (972) 207-5749?
- 10 199. If YES: Did the evidence RMG provide you mention RMG by name as someone who  
11 had consent to call (972) 207-5749?
- 12 200. If YES: Did the evidence RMG provide you mention BPO by name as someone who  
13 had consent to call (972) 207-5749?
- 14 201. If YES: Did the evidence RMG provide you mention RI by name as someone who  
15 had consent to call (972) 207-5749?
- 16 202. If YES: Did the evidence RMG provide you mention anyone by name as someone  
17 who had consent to call (972) 207-5749? If YES, who was named?
- 18 203. If YES: Did the evidence RMG provide you mention you by name as someone who  
19 RMG could call (972) 207-5749 on your behalf?
- 20 204. If YES: Did the evidence RMG provide you mention you by name as someone who  
21 BPO could call (972) 207-5749 on your behalf?
- 22 205. If YES: Did the evidence RMG provide you have the IP address of the device that  
23 was used to provide consent? If YES: Do you have any evidence Mr. Barton has ever  
24 used that IP address? If YES what is that evidence?
206. If YES: Did the evidence RMG provide you have any information about the device  
that was used to provide consent, such as its operating system, screen resolution,  
device fingerprint, or browser type? If YES: Do you have any evidence Mr. Barton  
has ever used a device like that? If YES what is that evidence?
207. If YES: Did the evidence RMG provide you have any information about the date and  
time consent was provided? If YES: Do you have any evidence of where Mr. Barton  
was on those dates and times? If YES what is that evidence?
208. By 9/22/2023 had you asked RMG for evidence RMG had consent to be calling (972)  
207-5749 on your behalf?

- 1 209. Did you ever ask RMG for evidence RMG had consent to be calling (972) 207-5749  
2 on your behalf?
- 3 210. If YES: Did RMG provide it? If YES What entity did they get it from? What is that  
4 entities name and address?
- 5 211. If YES: Did the documents RMG provide you mention you by name as someone who  
6 had consent to call (972) 207-5749?
- 7 212. If YES: Did the documents RMG provide you mention anyone by name as someone  
8 who had consent to call (972) 207-5749? If YES, who was named?
- 9 213. If YES: Did the documents RMG provide you mention you by name as someone who  
10 RMG had consent to call (972) 207-5749 on your behalf?
- 11 214. If YES: Did the evidence RMG provide you have the IP address of the device that  
12 was used to provide consent? If YES: Do you have any evidence Mr. Barton has ever  
13 used that IP address? If YES what is that evidence?
- 14 215. If YES: Did the evidence RMG provide you have any information about the device  
15 that was used to provide consent, such as its operating system, screen resolution,  
16 device fingerprint, or browser type? If YES: Do you have any evidence Mr. Barton  
17 has ever used a device like that? If YES what is that evidence?
- 18 216. If YES: Did the evidence RMG provide you have any information about the date and  
19 time consent was provided? If YES: Do you have any evidence of where Mr. Barton  
20 was on those dates and times?
- 21 217. Has anyone else given you evidence that RMG had consent to be calling (972) 207-  
22 5749?
- 23 218. If YES: What is the name of the entity that gave it to you?
- 24 219. If YES: What entity did they get it from? What is the name and address of that entity  
they got it from?
- 21 220. If YES: What is the address of the entity that gave it to you?
- 22 221. If YES: What evidence did they provide to you indicating RMG had consent to be  
23 calling (972) 207-5749?
- 24 222. If YES: Did the evidence mention you by name as someone who RMG had consent to  
call (972) 207-5749 on behalf of?
- 22 223. If YES: Did the evidence mention anyone by name as someone who had consent to  
23 call (972) 207-5749? If YES, who?

- 1 224. If YES: Did the evidence mention you by name as someone who BPO had consent to  
2 call (972) 207-5749 on behalf of?
- 3 225. If YES: Did the evidence mention you by name as someone who had consent to call  
4 (972) 207-5749?
- 5 226. If YES: Did the evidence have the IP address of the device that was used to provide  
6 consent? If YES: Do you have any evidence Mr. Barton has ever used that IP  
7 address? If YES what is it?
- 8 227. If YES: Did the evidence have any information about the device that was used to  
9 provide consent, such as its operating system, screen resolution, device fingerprint, or  
10 browser type? If YES: Do you have any evidence Mr. Barton has ever used a device  
11 like that? If YES what is it?
- 12 228. If YES: Did the evidence have any information about the date and time consent was  
13 provided? If YES: What was the information? Do you have any evidence of where  
14 Mr. Barton was on those dates and times? If YES what is it?
- 15 229. If YES: Did the evidence have any other information tending to prove Mr. Barton  
16 was the person who gave the consent? If YES: Do you have any evidence supporting  
17 that information? If YES what is it?
- 18 230. Has anyone else given you evidence that you had consent to cause the calls at issue to  
19 be initiated to (972) 207 5749?
- 20 231. If YES: What is the name of the entity that gave it to you? What entity did they get it  
21 from? What is the name and address of that entity they got it from?
- 22 232. If YES: What is the address of the entity that gave it to you?
- 23 233. If YES: What evidence did they provide to you indicating you had consent to cause  
24 the calls at issue to be initiated to (972) 207 5749?
234. If YES: Did the evidence mention you by name as someone who had consent to call  
(972) 207-5749?
235. If YES: Did the evidence mention RMG by name as someone who had consent to call  
(972) 207-5749 on your behalf?
236. If YES: Did the evidence mention BPO by name as someone who had consent to call  
(972) 207-5749 on your behalf?
237. If YES: Did the evidence mention anyone by name as someone who had consent to  
call (972) 207-5749 on your behalf?

- 1 238. If YES: Did the evidence have the IP address of the device that was used to provide  
2 consent? If YES: Do you have any evidence Mr. Barton has ever used that IP  
address? If YES what is it?
- 3 239. If YES: Did the evidence have any information about the device that was used to  
4 provide consent, such as its operating system, screen resolution, device fingerprint, or  
browser type? If YES: Do you have any evidence Mr. Barton has ever used a device  
5 like that? If YES what is it?
- 6 240. If YES: Did the evidence have any information about the date and time consent was  
7 provided? If YES: Do you have any evidence of where Mr. Barton was on those  
8 dates and times? If YES what is it?
- 9 241. If YES: Did the evidence have any other information tending to prove Mr. Barton  
10 was the person who gave the consent? If YES: Do you have any evidence supporting  
11 that information? If YES what is it?
- 12 242. What agreements or contracts did you have in place with BPO at the time of the  
13 November 21 call? Are all the agreements or contracts written down?
- 14 243. In what documents did BPO promise not to make calls that violated telemarketing  
15 laws?
- 16 244. Did you hire BPO to refer prospective customers to you?
- 17 245. How was BPO going to refer Leads to you?
- 18 246. Was it going to involve phone calls?
- 19 247. Was BPO going to transfer phone calls to you?
- 20 248. Who was going to talk to these transferred Leads on your behalf?
- 21 249. Did you know how BPO was going to get these Leads on the phone so that they could  
22 be transferred to you?
- 23 250. Did you know before you hired BPO how they were going to get these Leads on the  
24 phone so that they could be transferred to you?
251. Did you ever ask BPO how they were going to get these Leads on the phone so that  
they could be transferred to you?
252. Did you think Leads were calling BPO and then getting transferred to you?
253. Did you think BPO was calling Leads and then transferring them to you?
254. If YES: Were you ok with BPO calling phone numbers and then transferring  
perspective customers to you?

- 1 255. Did you ever come to know who exactly was initiating the calls to the Leads that  
2 BPO was transferring to you?
- 3 256. Has BPO given you evidence that BPO had consent to call (972) 207-5749?
- 4 257. If YES: What evidence did they provide to you indicating BPO had consent to call  
5 (972) 207-5749? What entity did they get it from? What is the name and address of  
6 that entity BPO got it from?
- 7 258. If YES: What evidence did they provide to you indicating BPO had consent to call  
8 (972) 207-5749 on your behalf?
- 9 259. If YES: Did the evidence mention you by name as someone who had consent to call  
10 (972) 207-5749?
- 11 260. If YES: Did the evidence mention BPO by name as someone who had consent to call  
12 (972) 207-5749?
- 13 261. If YES: Did the evidence mention RMG by name as someone who had consent to call  
14 (972) 207-5749?
- 15 262. If YES: Did the evidence mention anyone by name as someone who had consent to  
16 call (972) 207-5749?
- 17 263. If YES: Did the evidence have the IP address of the device that was used to provide  
18 consent? If YES: Do you have any evidence I have ever used that IP address?
- 19 264. If YES: Did the evidence have any information about the device that was used to  
20 provide consent, such as its operating system, screen resolution, device fingerprint, or  
21 browser type? If YES: Do you have any evidence I have ever used a device like that?
- 22 265. If YES: Did the evidence have any information about the date and time consent was  
23 provided? If YES: Do you have any evidence of where I was on those dates and  
24 times?
266. If YES: Did the evidence have any other information tending to prove I was the  
person who gave the consent? If YES: Do you have any evidence supporting that  
information?
267. Has anyone else given you evidence that BPO had consent to call (972) 207-5749?
268. If YES: What is the name of the entity that gave them to you? What entity did they  
get it from? What is the name and address of that entity they got it from?
269. If YES: What is the address of the entity that gave them to you?
270. If YES: What evidence did they provide to you indicating BPO had consent to call  
(972) 207-5749?

- 1 271. If YES: Did the evidence mention you by name as someone who had consent to call  
2 (972) 207-5749?
- 3 272. If YES: Did the evidence mention BPO by name as someone who had consent to call  
4 (972) 207-5749?
- 5 273. If YES: Did the evidence mention anyone else by name as someone who had consent  
6 to call (972) 207-5749?
- 7 274. If YES: Did the evidence mention BPO by name as someone who had consent to call  
8 (972) 207-5749 on your behalf?
- 9 275. If YES: Did the evidence have the IP address of the device that was used to provide  
10 consent? If YES: Do you have any evidence Mr. Barton has ever used that IP  
11 address? If YES what is it?
- 12 276. If YES: Did the evidence have any information about the device that was used to  
13 provide consent, such as its operating system, screen resolution, device fingerprint, or  
14 browser type? If YES: Do you have any evidence Mr. Barton has ever used a device  
15 like that? If YES what is it?
- 16 277. If YES: Did the evidence have any information about the date and time consent was  
17 provided? If YES: Do you have any evidence of where Mr. Barton was on those  
18 dates and times? If YES what is it?
- 19 278. If YES: Did the evidence have any other information tending to prove Mr. Barton  
20 was the person who gave the consent? If YES: Do you have any evidence supporting  
21 that information? If YES what is it?
- 22 279. Do you have evidence Barton consented to you, RMG, or BPO calling (972) 207-  
23 5749?
- 24 280. If YES: Who provided it? What is the name and address of who provided it to you?  
What is the name and address of the entity that provided it to who you got it from?
281. If YES: What is it?
282. If YES: Does the evidence mention RMG by name as someone who had consent to  
call (972) 207-5749?
283. If YES: Does the evidence mention BPO by name as someone who had consent to  
call (972) 207-5749?
284. If YES: Does the evidence mention you by name as someone who had consent to call  
(972) 207-5749?
285. If YES: Does the evidence mention anyone by name as someone who had consent to  
call (972) 207-5749? If YES, what are the names?

- 1 286. If YES: Does the evidence have the IP address of the device that was used to provide  
2 consent? If YES: Do you have any evidence Mr. Barton has ever used that IP  
address? If YES what is that evidence?
- 3 287. If YES: Does the evidence have any information about the device that was used to  
4 provide consent, such as its operating system, screen resolution, device fingerprint, or  
browser type? If YES: Do you have any evidence Mr. Barton has ever used a device  
5 like that? If YES what is that evidence?
- 6 288. If YES: Does the evidence have any information about the date and time consent was  
7 provided? If YES: Do you have any evidence of where Mr. Barton was on those  
8 dates and times? If YES what is that evidence?
- 9 289. If YES: Does the evidence have any other information about who provided the  
10 consent? If YES, what is it? Do you have any evidence to support that information?  
11 If YES what is it?
- 12 290. Do you have evidence not discussed earlier in the deposition that indicates Mr. Barton  
13 consented to calls marketing your goods or services? If YES: What facts do you have  
14 that it was Mr. Barton who gave that consent?
- 15 291. Do you have facts not discussed earlier in the deposition that indicate Mr. Barton  
16 consented to calls marketing your goods or services? If YES: what are those facts?
- 17 292. In Interrogatory No. 2, you said that on November 21, 2023, Mr. Barton's number  
18 was already in your do-not-call list. Had you ever told BPO to add (972) 207-5749 to  
19 their do-not-call list prior to November 21, 2023? If NO: Why not?
- 20 293. On what date did the phone call in RI\_0005 take place?
- 21 294. Did you record the call in RI\_0005? If NO, who recorded RI\_0005? How did you get  
22 it? Who did you get it from? Who did they get it from?
- 23 295. Is the call in RI\_0005 a true and accurate copy of conversation between you and Mr.  
24 Barton?
296. Is RI\_0005 a true and accurate recording of the entirety of the call? If NO what  
portion of the call does this recording not capture?
297. Is there a person in the RI\_0005 call who sells your products and services?
298. What is that person's name?
299. Identify every person whose voice is captured in the RI\_0005 recording.
300. In the call RI\_0005, did Mr. Barton call you?
301. In the call RI\_0005, did Mr. Barton call Ms. Oliver?

- 1 302. At the time of the call in RI\_0005 did Ms. Oliver work for you as an employee?
- 2 303. At the time of the call in RI\_0005 did Ms. Oliver work for you as a contractor?
- 3 304. At the time of the call in RI\_0005 was Ms. Oliver authorized to sell your products  
and services?
- 4 305. At the time of the call in RI\_0005 was Ms. Oliver authorized to sell your products  
5 and services over the phone?
- 6 306. At the time of the call in RI\_0005 was Ms. Oliver authorized to speak for you?
- 7 307. At the time of the call in RI\_0005 was Ms. Oliver authorized to receive information  
for you?
- 8 308. At the time of the call in RI\_0005 was Ms. Oliver authorized to take do-not-call  
9 requests from Leads?
- 10 309. At the time of the call in RI\_0005 was Ms. Oliver authorized to listen to unwanted  
phone call complaints from Leads?
- 11 310. What policies should Ms. Oliver have followed when Mr. Barton told her Mr. Barton  
was receiving unwanted calls that led him to you? Are those policies written down?
- 12 311. Did Ms. Oliver follow those policies?
- 13 312. What if any policies did Ms. Oliver not follow after Mr. Barton told her Mr. Barton  
14 was receiving unwanted calls that led him to you?
- 15 313. On that day what policies did you have for situations when you receive complaints of  
unwanted calls that are transferred to you? Are those policies documented?
- 16 314. Did you follow those policies?
- 17 315. What if any policies did you not follow after Mr. Barton told Ms. Oliver Mr. Barton  
18 was receiving unwanted calls that led him to you?
- 19 316. At the time of the call in RI\_0005 was Ms. Oliver authorized to pass along to you  
details of unwanted phone calls she learned from Leads?
- 20 317. At the time of the call in RI\_0005 did Ms. Oliver have a duty to pass along to you  
21 details of unwanted phone calls she learned from Leads?
- 22 318. On the day of the RI\_0005 call, at about the 16:08 mark of the call, did you learn the  
entity that originated the call was identifying itself as “American Benefits”?
- 23 319. On the day of the RI\_0005 call, at about the 16:08 mark of the call, did you learn the  
entity that originated the call was using the same name as RMG’s calls?

- 1 320. On the day of the RI\_0005 call, at about the 16:08 mark of the call, did you have  
2 reason to know BPO's calls and RMG's calls were related?
- 3 321. Did you at any point ask BPO if they were identifying themselves as "American  
4 Benefits" to the people they were calling? If YES is any of your questioning  
5 documented?
- 6 322. Did you at any point ask BPO why they were identifying themselves as "American  
7 Benefits" to the people they were calling? If YES is any of your questioning  
8 documented?
- 9 323. Prior to the RI\_0005 call, did you believe that RMG and BPO were related in some  
10 way? If YES: What did you know about the relationship between them?
- 11 324. When did Peter Reiersen become aware of the RI\_0005 call? Is this documented?
- 12 325. At the time of the RI\_0005 call did Peter Reiersen and Ms. Oliver know each other?  
13 If YES what was the nature and history of their relationship?
- 14 326. After the RI\_0005 call, did you do any investigation to understand why two  
15 seemingly different telemarketers placing unwanted calls were both using the name  
16 "American Benefits"? If YES is any part of your investigation documented?
- 17 327. If YES: What investigation did you do? When did you start that investigation? What  
18 were the results of that investigation? Is any part of your investigation documented?
- 19 328. If NO: Why not? Are the reasons for not doing an investigation documented?
- 20 329. After the RI\_0005 call, did you do any investigation to understand if BPO is still  
21 calling (972) 207-5749 and identifying themselves as "American Benefits"? If YES  
22 is any part of your investigation documented? When did you start this investigation?
- 23 330. Your agreements or contracts with RMG and BPO don't say at what time of day they  
24 should start and stop transferring calls to you. How did they know to start and stop  
transferring calls to you?
331. Your agreements or contracts with RMG and BPO don't say what days of the month  
they should transfer calls to you. How did they know what days of the month to  
transfer calls to you?
332. Your agreements or contracts with RMG and BPO don't say how many calls per day  
they should transfer to you. How did they know how many calls per day they should  
transfer to you?
333. Have you ever blocked call transfers from BPO or RMG that are on your internal do-  
not-call list? Why or why not?

- 1 334. During the time RMG was transferring Leads to you, how many people they  
2 transferred to you indicated that they did not know why they were called? On what  
3 dates did these indications happen?
- 3 335. During the time RMG was transferring Leads to you, how many people they  
4 transferred to you indicated that they did not give permission to be called? On what  
5 dates did these indications happen?
- 5 336. During the time RMG was transferring Leads to you, how many people they  
6 transferred to you indicated that prior to the call being transferred to you, the Lead  
7 heard the name “American Benefits” on the call? On what dates did these indications  
8 happen?
- 7 337. During the time RMG was transferring Leads to you, how many people they  
8 transferred to you indicated that prior to the call being transferred to you, the Lead  
9 heard the name “Senior Benefits” on the call? On what dates did these indications  
10 happen?
- 10 338. During the time BPO has been transferring Leads to you, how many people they  
11 transferred to you indicated that they did not know why they were called? On what  
12 dates did these indications happen?
- 12 339. During the time BPO has been transferring Leads to you, how many people they  
13 transferred to you indicated that they did not give permission to be called? On what  
14 dates did these indications happen?
- 14 340. During the time BPO has been transferring Leads to you, how many people they  
15 transferred to you indicated that prior to the call being transferred to you, the Lead  
16 heard the name “American Benefits” on the call? On what dates did these indications  
17 happen?
- 16 341. During the time BPO has been transferring Leads to you, how many people they  
17 transferred to you indicated that prior to the call being transferred to you, the Lead  
18 heard the name “Senior Benefits” on the call? On what dates did these indications  
19 happen?
- 18 342. Have you paid out any money to people who said they received unwanted calls and  
20 RMG was involved in transferring those calls to you? On what dates did each of  
21 those people first complain to you?
- 21 343. Have you paid out any money to people who said they received unwanted calls and  
22 BPO was involved in transferring those calls to you? On what dates did each of those  
23 people first complain to you?
- 22 344. Have you seen complaints about you on page  
23 [https://www.bbb.org/us/de/middletown/profile/sales-lead-generation/real-innovation-  
24 inc-0251-92032193/complaints?](https://www.bbb.org/us/de/middletown/profile/sales-lead-generation/real-innovation-inc-0251-92032193/complaints?)

- 1 345. Did you reply to the 11/27/2023 complaint about unwanted phone calls on  
2 [https://www.bbb.org/us/de/middletown/profile/sales-lead-generation/real-innovation-](https://www.bbb.org/us/de/middletown/profile/sales-lead-generation/real-innovation-inc-0251-92032193/complaints?)  
3 [inc-0251-92032193/complaints?](https://www.bbb.org/us/de/middletown/profile/sales-lead-generation/real-innovation-inc-0251-92032193/complaints?)
- 4 346. If YES: Do you know the name of the person who lodged the complaint? On what  
5 dates did that person first complain to you?
- 6 347. If YES: Did Peter Reiersen know about this complaint?
- 7 348. During 2023 what complaints of unwanted calls stemming from RMG and BPO did  
8 Peter Reiersen know about, and on what dates did he know about them?
- 9 349. During 2023 what complaints of unwanted calls stemming from RMG and BPO did  
10 you know about, and on what dates did you know about them?
- 11 350. If YES: Was BPO involved in transferring those calls to you? If YES: On what dates  
12 did these calls happen?
- 13 351. In Affirmative Defense Number 5 on page 34 of Docket 46, did you say “Plaintiff  
14 submitted multiple requests for information for insurance quotes in which he  
15 expressly consented to being contacted and called.”
- 16 352. Did any of these requests you allege Mr. Barton made specifically name you as  
17 someone Mr. Barton was consenting to receive calls from? If YES: How do you  
18 know this to be so?
- 19 353. Did any of these requests you allege Mr. Barton made specifically name RMG as  
20 someone Mr. Barton was consenting to receive calls from? If YES: How do you  
21 know this to be so?
- 22 354. Did any of these requests you allege Mr. Barton made specifically name BPO as  
23 someone Mr. Barton was consenting to receive calls from? If YES: How do you  
24 know this to be so?
355. Did you received a Production Request No. 1 that said: “Produce all records of calls  
or text messages initiated to phone number (972) 207-5749 on your behalf between  
the dates of 7/11/2022 and 12/31/2023.”
356. Did you change Production Request No. 1 to: “Produce all records of calls or text  
messages initiated to phone number (972) 207-5749 on your behalf between the dates  
of 7/11/2022 and 12/31/2022.”
357. Did you ask RMG to indemnify you for the costs of this lawsuit?
358. If YES: Did RMG ever say they would?
359. If YES: Did RMG ever say they would not? If YES: What reasons did RMG give for  
saying they would not?

1 360. Did you ask BPO to indemnify you for the costs of this lawsuit? If NO, why not?

2 361. Is BPO indemnifying you for any of the costs of this lawsuit?

3 362. When did Peter Reiersen become aware there was at least one complaint about RMG  
transferring a call to you that involved a person who did not consent to be called?

4 363. What did Peter Reiersen do when he became aware there was at least one complaint  
5 about RMG transferring a call to you that involved a person who did not consent to be  
called?

6 364. If there was a second complaint about RMG transferring a call to you that involved a  
7 person who did not consent to be called, when did Peter Reiersen become aware of  
that?

8 365. What did Peter Reiersen do when he became aware there was a second complaint  
9 about RMG transferring a call to you that involved a person who did not consent to be  
called?

10 366. When did Peter Reiersen become aware there was at least one complaint about BPO  
transferring a call to you that involved a person who did not consent to be called?

11 367. What did Peter Reiersen do when he became aware there was at least one complaint  
12 about BPO transferring a call to you that involved a person who did not consent to be  
called?

13 368. If there was a second complaint about BPO transferring a call to you that involved a  
14 person who did not consent to be called, when did Peter Reiersen become aware of  
that?

15 369. What did Peter Reiersen do when he became aware there was at a second complaint  
16 about BPO transferring a call to you that involved a person who did not consent to be  
called?

17 370. On 8/9/2023, what was Patrick McNeal's relationship with your company?  
18 Employee? Agent? Salesman? Salesman for you?

19 371. On 8/9/2023, was Mr. Barton a warm transfer from RMG to RI?

20 372. On 8/9/2023, was Mr. Barton a warm transfer to Patrick McNeal?

21 373. Was Patrick McNeal on that 8/9/2023 call to discern if Mr. Barton was looking to buy  
insurance? If NO, why was Patrick McNeal on the call?

22 374. Had you trained Patrick McNeal prior to the 8/9/2023 telephone call at issue in this  
23 lawsuit that he needed to identify himself and the company or organization on whose  
behalf the solicitation is being made and the purpose of the call within the first 30  
seconds of the telephone call?

- 1 375. In the 8/9/2023 telephone call at issue in this lawsuit did Patrick McNeal identify  
2 himself and the company or organization on whose behalf the solicitation is being  
3 376. In the 8/9/2023 telephone call at issue in this lawsuit did you identify yourself and the  
4 company or organization on whose behalf the solicitation is being made and the  
5 377. In the 8/9/2023 telephone call at issue in this lawsuit did Patrick McNeal inform  
6 Barton that his contact information will be removed from your lists for at least one  
7 378. In the 8/9/2023 telephone call at issue in this lawsuit were you identified within the  
8 first 30 seconds of the telephone call?  
9 379. In the 8/9/2023 telephone call at issue in this lawsuit was the purpose of the call  
10 identified within the first 30 seconds of the telephone call? If YES what was the  
11 380. Did RMG, someone you hired to call individuals regarding insurance, call Barton on  
12 8/22/2023 and transfer him to you?  
13 381. Did BPO, someone you hired to call individuals regarding insurance, call Barton on  
14 11/21/2023 and transfer him to you?  
15 382. On 8/9/2023 was Patrick McNeal licensed to sell insurance?  
16 383. If Patrick McNeal discerned on the 8/9/2023 call that Mr. Barton was looking to buy  
17 insurance, was his purpose in the call to suggest insurance products to Mr. Barton?  
18 384. If Mr. Barton had purchased insurance on the 8/9/2023 call with Patrick McNeal,  
19 would you have earned revenue on the sale?  
20 385. On 8/22/2023, what was Damon Roosh's relationship with your company?  
21 Employee? Agent? Salesman? Salesman for you?  
22 386. On 8/22/2023, was Mr. Barton a warm transfer to Damon Roosh?  
23 387. On what date was the call in RI\_0004 recorded?  
24 388. Did you record the call in RI\_0004? If NO, who recorded RI\_0004? How did you get  
it? Who did you get it from? Who did they get it from?  
389. Is RI\_0004 a true and accurate recording of conversation in the 8/22/2023 telephone  
call that is at issue in this lawsuit?  
390. Is RI\_0004 a true and accurate recording of conversation between Mr. Barton and one  
of your agents?

- 1 391. Is RI\_0004 a true and accurate recording of the entirety of the call? If NO what  
2 portion of the call does this recording not capture?
- 3 392. Had you trained Damon Roosh prior to the 8/22/2023 telephone call at issue in this  
4 lawsuit that he needed to identify himself and the company or organization on whose  
5 behalf the solicitation is being made and the purpose of the call within the first 30  
6 seconds of the telephone call?
- 7 393. In the 8/22/2023 telephone call at issue in this lawsuit did Damon Roosh identify  
8 himself and the company or organization on whose behalf the solicitation is being  
9 made and the purpose of the call within the first 30 seconds of the telephone call?
- 10 394. In the 8/22/2023 telephone call at issue in this lawsuit did you identify yourself and  
11 the company or organization on whose behalf the solicitation is being made and the  
12 purpose of the call within the first 30 seconds of the telephone call?
- 13 395. In the 8/22/2023 telephone call at issue in this lawsuit were you identified within the  
14 first 30 seconds of the telephone call?
- 15 396. In the 8/22/2023 telephone call at issue in this lawsuit was the purpose of the call  
16 identified within the first 30 seconds of the telephone call? If YES what was the  
17 purpose of the call identified as?
- 18 397. Was Damon Roosh on that 8/22/2023 call to discern if Mr. Barton was looking to buy  
19 insurance? If NO why was Damon Roosh on the call?
- 20 398. On 8/22/2023 was Damon Roosh licensed to sell insurance?
- 21 399. If Damon Roosh discerned on the 8/22/2023 call that Mr. Barton was looking to buy  
22 insurance, was his purpose in the call to suggest insurance products to Mr. Barton?
- 23 400. If Mr. Barton had purchased insurance on the 8/22/2023 call with Damon Roosh,  
24 would you have earned revenue on the sale?
401. On 11/21/2023, what was Jenee Oliver's relationship with your company?  
Employee? Agent? Salesman? Salesman for you?
402. On 11/21/2023, did BPO transfer Mr. Barton to RI?
403. On 11/21/2023, was Mr. Barton a warm transfer to RI?
404. On 11/21/2023, was Mr. Barton a warm transfer to Jenee Oliver?
405. Was Jenee Oliver on that 11/21/2023 call to discern if Mr. Barton was looking to buy  
insurance? If NO why was Jenee Oliver on the call?
406. Had you trained Jenee Oliver prior to the 11/21/2023 telephone call at issue in this  
lawsuit that she needed to identify herself and the company or organization on whose

1 behalf the solicitation is being made and the purpose of the call within the first 30  
2 seconds of the telephone call?

3 407. In the 11/21/2023 telephone call at issue in this lawsuit did Jenee Oliver identify  
4 herself and the company or organization on whose behalf the solicitation is being  
5 made and the purpose of the call within the first 30 seconds of the telephone call?

6 408. In the 11/21/2023 telephone call at issue in this lawsuit did you identify yourself and  
7 the company or organization on whose behalf the solicitation is being made and the  
8 purpose of the call within the first 30 seconds of the telephone call?

9 409. In the 11/21/2023 telephone call at issue in this lawsuit did Jenee Oliver inform  
10 Barton that his contact information will be removed from your lists for at least one  
11 year?

12 410. In the 11/21/2023 telephone call at issue in this lawsuit were you identified within the  
13 first 30 seconds of the telephone call?

14 411. In the 11/21/2023 telephone call at issue in this lawsuit was the purpose of the call  
15 identified within the first 30 seconds of the telephone call? If YES what was the  
16 purpose of the call identified as?

17 412. On 11/21/2023 was Jenee Oliver licensed to sell insurance?

18 413. If Jenee Oliver discerned on the 11/21/2023 call that Mr. Barton was looking to buy  
19 insurance, was her purpose in the call to suggest insurance products to Mr. Barton?

20 414. If Mr. Barton had purchased insurance on the 11/21/2023 call with Jenee Oliver,  
21 would you have earned revenue on the sale?

22 415. On what date was the call in RI\_0006 recorded?

23 416. Did you record the call in RI\_0006? If NO, who recorded RI\_0006? How did you get  
24 it? Who did you get it from? Who did they get it from?

417. Is the voice of one or more of your agents recorded in RI\_0006? If YES what is the  
name or names of your agents?

418. Is RI\_0006 a true and accurate recording of conversation between Mr. Barton and one  
or more of your agents?

419. Is RI\_0006 a true and accurate recording of conversation between Mr. Barton and  
you?

420. Is RI\_0006 a true and accurate recording of the entirety of the call? If NO what  
portion of the call does this recording not capture?

421. Are RI\_0005 and RI\_0006 part of the same call?

- 1 422. On what date was the call in RI\_0007 recorded?
- 2 423. Did you record the call in RI\_0007? If NO, who recorded RI\_0007? How did you get  
3 it? Who did you get it from? Who did they get it from?
- 4 424. Is RI\_0007 a true and accurate recording of conversation between Mr. Barton and one  
5 or more of your agents?
- 6 425. Is the voice of one or more of your agents recorded in RI\_0007? If YES what is the  
7 name or names of your agents?
- 8 426. Is RI\_0007 a true and accurate recording of conversation between Mr. Barton and  
9 you?
- 10 427. Is RI\_0007 a true and accurate recording of the entirety of the call? If NO what  
11 portion of the call does this recording not capture?
- 12 428. On what date was the call in RI\_0008 recorded?
- 13 429. Did you record the call in RI\_0008? If NO, who recorded RI\_0008? How did you get  
14 it? Who did you get it from? Who did they get it from?
- 15 430. Is RI\_0008 a true and accurate recording of conversation between Mr. Barton and one  
16 or more of your agents?
- 17 431. Is the voice of one or more of your agents recorded in RI\_0008? If YES what is the  
18 name or names of your agents?
- 19 432. Identify every person whose voice is captured in the RI\_0008 recording.
- 20 433. Is the voice of Damon Roosh in the RI\_0008 recording?
- 21 434. Is RI\_0008 a true and accurate recording of conversation between Mr. Barton and  
22 you?
- 23 435. Is RI\_0008 a true and accurate recording of the entirety of the call? If NO what  
24 portion of the call does this recording not capture?
436. Is the call recording in RI\_0004 contained inside the call recording RI\_0008?
437. On what date was the call in RI\_0003 recorded?
438. Did you record the call in RI\_0003? If NO, who recorded RI\_0003? How did you get  
it? Who did you get it from? Who did they get it from?
439. Is RI\_0003 a true and accurate recording of conversation between Mr. Barton and one  
or more of your agents?

- 1 440. Is the voice of one or more of your agents recorded in RI\_0003? If YES what is the  
2 name or names of your agents?
- 3 441. Identify every person whose voice is captured in the RI\_0003 recording.
- 4 442. Is RI\_0003 a true and accurate recording of conversation between Mr. Barton and  
5 you?
- 6 443. Is RI\_0003 a true and accurate recording of the entirety of the call? If NO what  
7 portion of the call does this recording not capture?
- 8 444. On what date was the call in RI\_0001 recorded?
- 9 445. Did you record the call in RI\_0001? If NO, who recorded RI\_0001? How did you get  
10 it? Who did you get it from? Who did they get it from?
- 11 446. Is RI\_0001 a true and accurate recording of conversation between Mr. Barton and one  
12 or more of your agents?
- 13 447. Is the voice of one or more of your agents recorded in RI\_0001? If YES what is the  
14 name or names of your agents?
- 15 448. Identify every person whose voice is captured in the RI\_0001 recording.
- 16 449. Is RI\_0001 a true and accurate recording of conversation between Mr. Barton and  
17 you?
- 18 450. Is RI\_0001 a true and accurate recording of the entirety of the call? If NO what  
19 portion of the call does this recording not capture?
- 20 451. Are the recording in RI\_0001 and RI\_0005 from the same call?
- 21 452. Are the recording in RI\_0001 and RI\_0006 from the same call?
- 22 453. On RI\_0009 the document says “No TCPA disclosure label was found”. What does  
23 that mean?
- 24 454. Do you have any evidence that I have ever used email address  
[Nathan.bar23@gmail.com](mailto:Nathan.bar23@gmail.com). If YES, what is it?
455. What do you accept as sufficient evidence that a phone number’s subscriber or  
regular user has consented to the phone calls that were transferred to you?
456. You know your answer to the question of “what do you accept as sufficient evidence  
that a phone number’s subscriber or regular user has consented to the phone calls that  
are transferred to you.” Did you expect RMG to have any evidence beyond that to  
satisfy any obligation in Exhibit A (Page 45 of Dkt. 12) that “all proof will be  
provided”?

- 1 457. Before you signed the Lead Provision Agreement (Pages 43-44 of Dkt. 12), did you  
2 ask RMG what they accepted as sufficient evidence that a phone number's subscriber  
3 or regular user has consented to the phone calls that were transferred to you? If YES  
4 is there any documentation on what you asked and what they responded with?
- 5 458. Before you signed the Lead Provision Agreement (Pages 43-44 of Dkt. 12), did you  
6 ask RMG what they would provide, if requested, to satisfy any obligation under "all  
7 proof will be provided within 24 hours protecting all parties"? If YES is there any  
8 documentation on what you asked and what they responded with?
- 9 459. How does a Lead ID token Jornaya make it more probable than not that a phone  
10 number's subscriber or regular user has consented to the phone calls that are  
11 transferred to you?
- 12 460. Do you know what a double opt in is?
- 13 461. For the purposes of this deposition can we agree that a double opt in is when an entity  
14 receives a phone number along with a consent for telemarketing calls, the entity texts  
15 the phone number and requires a person in physical custody of the phone to complete  
16 an additional step before solicitation calls are initiated to the phone number.
- 17 462. Why don't you only allow your marketing contractors to transfer calls to you that  
18 resulted from double opt ins?
- 19 463. What is the name or are the names of the entities that transferred the calls to you that  
20 form a basis of lawsuit *Dobronski v. Real Innovation Inc*?
- 21 464. What is the name or are the names of the entities that transferred the calls to you that  
22 form a basis of lawsuit *Jason Ingber et al v. Real Innovation Inc. et al*?
- 23 465. What is the name or are the names of the entities that transferred the calls to you that  
24 form a basis of lawsuit *Matthews v. National Life Insurance Company*?
466. At ¶11 of page 35 of Dkt. 46 you said: "Defendants directed such alleged agents to  
comply with all laws, including the TCPA." Did you direct BPO to comply with all  
laws, including the TCPA?
467. On what dates did you direct BPO to comply with all laws, including the TCPA?
468. Is it documented that you directed BPO to comply with all laws, including the TCPA?
469. On what dates did you direct RMG to comply with all laws, including the TCPA?
470. Is it documented that you directed RMG to comply with all laws, including the  
TCPA?
471. Is RI\_0012 a true and accurate copy of an email you received?

- 1 472. Is RI\_0012 a true and accurate copy of an email you received on 8/11/2023?
- 2 473. Do you believe Nathen Barton sent you the email in RI\_0012?
- 3 474. After receiving the email in RI\_0012, have you told entities to put phone number  
(972) 207-5749 on their do-not-call list?
- 4 475. If YES what is the name of the entities you told to put phone number (972) 207-5749  
5 on their do-not-call list?
- 6 476. If YES on what date did you tell each of these entities to put phone number (972)  
207-5749 on their do-not-call list?
- 7 477. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #3 on  
8 page 34 of Dkt. 46, why didn't you assert counter-claims against Mr. Barton?
- 9 478. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #5 on  
page 34 of Dkt. 46, why didn't you assert counter-claims against Mr. Barton?
- 10 479. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #6 on  
11 page 35 of Dkt. 46, why didn't you assert counter-claims against Mr. Barton?
- 12 480. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #3 on  
page 34 of Dkt. 46, why did you cross-claim RMG?
- 13 481. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #5 on  
14 page 34 of Dkt. 46, why did you cross-claim RMG?
- 15 482. If you believe Mr. Barton gave consent as you allege in Affirmative Defense #6 on  
16 page 35 of Dkt. 46, why did you cross-claim RMG?
- 17 483. If you believe Mr. Barton gave consent as you allege in your Affirmative Defenses,  
18 why isn't your cross-claim against RMG frivolous?
- 19 484. What practices did you implement to effectively prevent telephone solicitations in  
20 violation of the regulations prescribed under 47 U.S.C. § 227 and/or other laws as  
alleged in Affirmative Defense #13 on page 36 of Dkt. 46.
- 21 485. What due care did you take to effectively prevent telephone solicitations in violation  
22 of the regulations prescribed under 47 U.S.C. § 227 and/or other laws as alleged in  
Affirmative Defense #13 on page 36 of Dkt. 46.
- 23 486. What evidence is there that you directed BPO to comply with telemarketing laws? Is  
it documented, and if so, how and where?
- 24 487. What evidence is there that you directed RMG to comply with telemarketing laws? Is  
it documented, and if so, how and where?

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488. What is BPO’s physical address?

489. What is BPO’s mailing address?

490. At the time you were considering hiring RMG what did you know about their reputation for complying with telemarketing laws?

s/ Nathen Barton

(signed)

October 17, 2024

(Dated)

Nathen Barton  
(469) 347 2139  
4618 NW 11<sup>th</sup> Cir  
Camas WA 98607

I DECLARE that on October 17, 2024, I placed for delivery via Email, a true copy of the foregoing “Notice of Deposition” to:

[jmauseth@mausethlegal.com](mailto:jmauseth@mausethlegal.com)

[JKostov@mausethlegal.com](mailto:JKostov@mausethlegal.com)

[info@richardsonmarketinggroup.net](mailto:info@richardsonmarketinggroup.net)

As all parties agreed to email service and receipt of discovery documents.

s/ Nathen Barton

Nathen Barton  
4618 NW 11<sup>th</sup> Cir  
Camas WA 98607  
bluewind33@protonmail.com