

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MARK W. DOBRONSKI,**

Plaintiff,

v.

**THE SAVINGS BANK MUTUAL  
LIFE INSURANCE COMPANY OF  
MASSACHUSETTS, et al.,**

Defendants.

Case No. **2:23-cv-12153-JJCG-APP**

Honorable Jonathan J.C. Grey  
United States District Judge

Honorable Anthony P. Patti  
United States Magistrate Judge

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**PLAINTIFF'S EMERGENCY MOTION  
FOR INJUNCTIVE RELIEF**

COMES NOW the Plaintiff, MARK W. DOBRONSKI (“Dobronski”), appearing *in propria persona*, and in accordance with Fed. R. Civ. P. 65, motions this Court for entry of an order of injunctive relief enjoining Defendant The Savings Bank Life Insurance Company of Massachusetts (“SBLI”), and SBLI’s agents and sub-agents, from stalking and harassing the Plaintiff.

Plaintiff certifies that, in accordance with E.D. Mich. LR 7.1(a), the undersigned *pro se* litigant personally spoke to opposing counsel, explaining the nature of the relief to be sought by way of this motion and seeking concurrence in the relief; opposing counsel did not provide concurrence.

WHEREFORE, for the foregoing reasons and as set forth in the accompanying brief, Plaintiff requests that this Court immediately enter a temporary restraining order prohibiting SBLI and its officers, servants, agents, employees, representatives, and other persons who are in active concert or participation with them, from any unconsented contact with Plaintiff, except by and through SBLI's attorneys, legal process, and court hearings; until such time as this Court can hold a preliminary injunction hearing to determine whether a preliminary injunction shall issue.

Very truly yours,



Date: January 16, 2024

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Mark W. Dobronski  
Post Office Box 222  
Dexter, Michigan 48130-0222  
Telephone: (734) 330-9671  
Email: MarkDobronski@yahoo.com  
Plaintiff *In Propria Persona*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MARK W. DOBRONSKI,**

Plaintiff,

v.

**THE SAVINGS BANK MUTUAL  
LIFE INSURANCE COMPANY OF  
MASSACHUSETTS, *et al.*,**

Defendants.

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Case No. **2:23-cv-12153-JJCG-APP**

Honorable Jonathan J.C. Grey  
United States District Judge

Honorable Anthony P. Patti  
United States Magistrate Judge

**PLAINTIFF'S BRIEF IN SUPPORT OF  
EMERGENCY MOTION  
FOR INJUNCTIVE RELIEF**

**CONCISE STATEMENT OF ISSUES PRESENTED**

Whether injunctive relief should issue enjoining SBLI and its officers, servants, agents, employees, representatives, and other persons who are in active concert or participation with them, from any unconsented contact with Plaintiff, where Defendant or its agents and sub-agents have made repeated unwelcome telephone calls to Plaintiff and have threatened Plaintiff with sexual assault.

Plaintiff says:      **YES, immediately!**

**CONTROLLING OR MOST APPROPRIATE AUTHORITY**

*Chambers v. NASCO, Inc.*, 111 S.Ct. 2123, 2132, 501 U.S. 32, 43 (U.S. 1991)

*Ohio v. Becerra*, 87 F.4th 759, 768 (6<sup>th</sup> Cir. 2023)

18 U.S.C. § 875

18 U.S.C. § 1512

M.C.L. § 600.2950a

M.C.L. § 750.411h

M.C.L. § 750.540e

Fed. R. Civ. P. 65

## **DISCUSSION**

## I. FACTUAL BACKGROUND

On August 23, 2023, Plaintiff filed a Complaint against The Savings Bank Mutual Life Insurance Company of Massachusetts (“SBLI”), and several of its agents, alleging violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, the Michigan Telephone Companies as Common Carriers Act (“MTCCCA”), M.C.L. § 484.101, *et seq.*, the Michigan Home Sales Solicitation Act (“MHSSA”), M.C.L. § 445.101, *et seq.*, and the Florida Telemarketing Sales Act (“FTSA”), Fla. Stat. § 509.059, stemming from a series of 13 telemarketing calls initiated by SBLI or SBLI’s agents to Plaintiff’s telephone lines seeking to sell Plaintiff SBLI life insurance products. [ECF No. 1].

Plaintiff’s telephone numbers are listed on the National Do Not Call Registry maintained by the United States Federal Trade Commission pursuant to 16 C.F.R. Part 310 and were so listed at all times relevant hereto. [ECF No. 1, PageID.20-21, ¶¶ 46, 47, and 50]. At no time has Plaintiff provided permission or consent for SBLI or any of its agents to initiate any telemarketing calls to Plaintiff. [ECF No. 1, PageID. 22-23, ¶¶ 56-59].

A reasonable person would believe that SBLI, having been served with Plaintiff’s lawsuit, would be clearly on notice that Plaintiff does not wish to receive telemarketing calls from SBLI and its agents, and that SBLI would cease and desist

in initiating any and all telephone calls to Plaintiff. But, as will be shown herein, such was not the case.

Of particular historic relevance is an event on May 25, 2023, at approximately 5:25 P.M., when SBLI or SBLI's agent initiated a telephone call to Plaintiff's cellular telephone number 734-\*\*\*-9671. [ECF No. 1, PageID.35, ¶ 119]. See also, Affidavit of Mark W. Dobronski, attached hereto at EXHIBIT A, ¶ 7. The initial agent identified himself as "Mike with Senior Benefits." [ECF No. 1, PageID.35, ¶ 121]. Mike then sought pre-qualifying information from Plaintiff and proceed to sell Plaintiff an SBLI life insurance policy. [ECF No. 1, PageID.35-36, ¶ 122]. Plaintiff, *inter alia*, provided a *faux* name of Thomas Troy. [*Id.*] Shortly thereafter, SBLI sent a letter to the fictional Thomas J. Troy confirming the purchase of an SBLI life insurance policy and seeking payment to avoid cancellation. See EXHIBIT B. The letter – on SBLI letterhead – evidences that "Mike from Senior Benefits" had authority – clearly apparent or implied, if not actual -- to act as an agent on behalf of SBLI, and further evidences SBLI's ratification of "Mike's" conduct by virtue of SBLI attempting to accept the benefits of "Mike's" salesmanship on SBLI's behalf.<sup>1</sup>

On January 10, 2024, at 11:19 A.M., Plaintiff received a telephone call at his

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<sup>1</sup> Logically, if "Mike" was not an authorized agent of SBLI, SBLI would not have the life insurance policy for the fictional Thomas J. Troy entered in its computer system and SBLI would not be sending letters to Thomas J. Troy welcoming him as an SBLI customer.

cellular telephone number 734-\*\*\*-9671 from an individual identifying himself as Dexter Morris with SBLI. Morris began the call by asking whether Plaintiff's Social Security Number was \*\*\*-\*\*-3686. Morris then verified that he was speaking with "Thomas J. Troy", verified a mailing address, date of birth, height, weight, physician's name, bank name, and bank account number. The information which Morris was asking Plaintiff to verify was identical to *faux* information which Plaintiff had provided to the SBLI agent during the course of a telephone solicitation on May 25, 2023. See ECF No. 1, PageID.35-36, ¶¶ 119-124. See EXHIBIT A, ¶ 9.

On January 10, 2024, at approximately 1:10 P.M., Plaintiff spoke with SBLI's counsel, Benjamin Perry, regarding the receipt of the call earlier that morning and made express demand that SBLI and its agents cease and desist telephoning Plaintiff. Perry stated that he would look into the matter and get back with Plaintiff. See EXHIBIT A, ¶ 10.

No sooner had Plaintiff terminated the call with Perry, Plaintiff's cellular telephone line 734-\*\*\*-9671 rang again, displaying caller identification number 609-\*\*\*-0303. Upon Plaintiff answering the incoming call, Plaintiff was speaking with an individual identifying himself as Richard McAdams with SBLI. McAdams asked to speak with Thomas J. Troy. McAdams explained that there was a payment issue relative to Plaintiff's SBLI insurance policy, sought to verify certain information, and

informed Plaintiff that the life insurance application was going to be resubmitted to SBLI. See EXHIBIT A, ¶ 11.

Promptly after terminating the call with McAdams, on January 10, 2024 at approximately 1:38 P.M., Plaintiff called SBLI's attorney, Benjamin Perry, to complain about the call just received from McAdams. Perry stated that he would look into the matter and contact Plaintiff back. See EXHIBIT A, ¶ 12.

On January 11, 2024, at approximately 9:18 P.M., Plaintiff's cellular telephone line 734-\*\*\*-9671 rang, displaying caller identification number 609-\*\*\*-0303. Upon Plaintiff answering the incoming call, Plaintiff was confronted by a male who was engaged in a profanity and racially-filled rage. The caller made numerous statements, including, by way of example and not limitation:

- “You are the mother fucker that is trying to sue us?” [0:23]
- Identified himself as “Thomas J. Troy, the senior mother fucker.” [1:01]
- “You are the mother fucker who tries to sue companies.” [1:14]
- “You are on the federal do not call list.” [1:17]
- “You are a fucking red necked mother fucker.” [1:59]
- “This is not a sales call. This is a call where I fuck a bastard.” [3:19]
- “I am against those people who are fucking suing people.” [3:35]
- “So I am a fucking guy with a black dick who is going to shove it up

your ass.” [3:37]

- “I’m fucking you.” [4:19]

See EXHIBIT A, ¶ 13.

## II. LEGAL STANDARD

Fed. R. Civ. P. 65 governs injunctions and restraining orders. The court may issue a preliminary injunction only on notice to the adverse party. Fed. R. Civ. P. 65(a)(1). The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. Fed. R. Civ. P. 65(b)(1).

Four factors are considered when determining whether to grant a preliminary injunction: “(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.” *Ohio v. Becerra*, 87 F.4th 759, 768 (6<sup>th</sup> Cir. 2023).

## III. ARGUMENT

As the United States Supreme Court has expressly noted:

“Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. The States likewise field a constant barrage of complaints.”

*Barr v. American Association of Political Consultants, Inc.*, 591 U.S. \_\_\_, 140 S.Ct. 2335, 2343, 207 L.Ed.2d 784 (U.S., 2020).

Plaintiff, Mark W. Dobronski, is not unique, nor alone, in his finding annoyance and outrage in the nearly constant intrusions upon his solitude, seclusion, and private affairs caused by these unsolicited and unwelcome telemarketing calls.

Plaintiff, by registering his residential and cellular telephone numbers on the National Do Not Call Registry, has given constructive notice to the World, including each and every one of the Defendants in this action, that Plaintiff does not wish to receive telephone solicitations or robocalls at his residential or cellular telephone numbers. [ECF No. 1, PageID.21, ¶ 52].

In the instant action at bar, despite his telephone numbers appearing on the National Do Not Call Registry, Defendants have repeatedly called Plaintiff’s residential and cellular telephone numbers seeking to market SBLI insurance products. Despite Defendants *knowing* that Plaintiff’s telephone number is on the National Do Not Call Registry, Defendants still persisted in calling Plaintiff and, on

at least one occasion, asking for Plaintiff to supply another telephone number that was not on the National Do Not Call Registry. [ECF No.1 , PageID.39, ¶ 50].

After Plaintiff filed and served Defendants with the Complaint in this matter, one would reasonably believe that Defendant SBLI and its agents would have promptly ceased and desisted in telephoning Plaintiff. But, such was not the case. Calls from persons identifying themselves as being with SBLI continued as recently as January 10, 2024. Plaintiff immediately reached out to SBLI's attorney to make a "do not call" demand. SBLI's attorney stated that he would contact SBLI.

The next day, on January 11, 2024, Plaintiff was contacted by an unnamed individual who engaged in spewing raging profanities and threats to cause injury to Plaintiff by way of sodomitic sexual assault.

SBLI's relationship to these calls is clear. Plaintiff provided the *faux* name of Thomas J. Troy to a purported SBLI agent on May 25, 2023. [ECF No. 1, PageID.35-36, ¶¶ 119-124]. The May 25, 2023 call resulted in SBLI sending a "welcome" letter to Plaintiff (under the *faux* name of Thomas J. Troy) and seeking payment action to avoid cancellation. [See Exhibit A]. On January 10, 2024, Plaintiff received 2 telephone calls from individuals identifying themselves as working for SBLI and who were fully knowledgeable about the SBLI insurance policy issued to Thomas J. Troy, together with detailed personal identifying information including, *inter alia*, Social

Security number, date of birth, and address. The caller identification number information displayed for the second of the 2 callers on January 10, 2024 showed the caller calling from telephone number 609-\*\*\*-0303.

On January 11, 2024, at 9:18 P.M., Plaintiff received a telephone call from the same telephone number 609-\*\*\*-0303 wherein the caller stated that he knew that Plaintiff was “trying to sue us”, identified himself as “Thomas J. Troy, the senior mother fucker” and engaged in a profanity-filled rage wherein the caller threatened to injure Plaintiff.

Logically, the January 11, 2024 call to Plaintiff was a direct result of the January 10, 2024 calls which Plaintiff had made to SBLI’s attorney. It is plainly apparent that SBLI must have a relationship with the caller that threatened Plaintiff, as SBLI must have communicated with the caller to inform him that Plaintiff was suing SBLI. The timing of the calls on January 10, 2024 and January 11, 2024 cannot be discounted as being mere coincidence. The fact that the second call on January 10, 2024 and the threatening call on January 11, 2024 were initiated from the *same* telephone number also cannot be discounted.

It clearly evident that the threatening call was intended to influence, delay, or prevent the testimony of Plaintiff in this very case. Alternatively, the threatening call was intended to intentionally harass Plaintiff and thereby hinder, delay, prevent or

dissuade Plaintiff from attending or testifying in this proceeding. Such conduct is in violation of 18 U.S.C. § 1512, and is punishable as a felony.

The described misconduct amounts to extortion and threats by way of interstate communications.<sup>2</sup> 18 U.S.C. § 875(c) promulgates:

“Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.”

Michigan law also proscribes such malicious use of telephone service. M.C.L. § 750.540e promulgates, in relevant part:

“(1) A person who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by doing any of the following is guilty of a misdemeanor:

(a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device...

(d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a

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<sup>2</sup> The threatening telephone call on January 11, 2024 displayed a caller identification number with a New Jersey area code (609), and was received by Plaintiff in Michigan on his cellular telephone with a Michigan area code (734), reasonably evidencing that the call was an interstate communication.

telecommunications service or device...

(2) A person who violates this section may be imprisoned for not more than 6 months or fined not more than \$1,000.00, or both. An offense is committed under this section if the communication either originates or terminates in this state and may be prosecuted at the place of origination or termination....”

Congress expressly provided in the TCPA for a private right of action, including “an action based on a violation of this subsection or the regulations prescribed under this subsection to *enjoin such violation*”, 47 U.S.C. § 227(b)(3)(A), and “an action based on a violation of the regulations prescribed under this subsection to *enjoin such violation*.” 47 U.S.C. § 227(c)(5)(A).

Under Michigan law, the conduct of SBLI and its representatives amounts to stalking. See M.C.L. § 750.411h. Here we have a course of conduct composed of a series of more than 2 separate noncontinuous acts evidencing a continuity of purpose. The described conduct has been directed specifically toward Plaintiff, and consisted of repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress, and, in fact, has caused Plaintiff to experience significant distress. See EXHIBIT A, ¶ 14. The described conduct would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and has caused the Plaintiff to feel same. See EXHIBIT A, ¶ 16. The contact with the Plaintiff has been initiated without Plaintiff’s consent, and in

disregard of Plaintiff’s expressed desire – by way of his telephone numbers being registered on the National Do Not Call Registry, and by notice given in the Complaint – as well as by way of express demand made by Plaintiff to SBLI through its attorney, that Plaintiff wants no contact with SBLI or its representatives.

Under Michigan law, an individual may petition the court to enter a personal protection order to restrain or enjoin an individual from engaging in stalking conduct that is prohibited under, *inter alia*, M.C.L. § 750.411h. See M.C.L. § 600.2950a. The court may restrain or enjoin an individual against whom a protection order is sought from engaging in unconsented contact. See M.C.L. § 600.2950(a)(3).

By threatening a witness in this action, Defendant SBLI and its agents have engaged in obstruction of justice. Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates. *Chambers v. NASCO, Inc.*, 111 S.Ct. 2123, 2132, 501 U.S. 32, 43 (U.S. 1991). These powers are “governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash Railroad Company*, 370 U.S. 626, 630–631, 82 S.Ct. 1386, 1388–1389, 8 L.Ed.2d 734 (1962).

**A. Whether the movant has a strong likelihood of success on the merits.**

Plaintiff has demonstrated it has received uninvited telemarketing calls from persons soliciting Plaintiff to purchase SBLI life insurance products. Plaintiff's telephone numbers are listed on the National Do Not Call Registry. Despite being so registered, and despite the instant Complaint placing SBLI on clear notice that Plaintiff wants no telephone contact from SBLI and its agents, and despite an express "do not call" demand made by Plaintiff to SBLI's attorney, Plaintiff continues to receive telemarketing calls from or on behalf of SBLI, and sadly, most recently, threats of physical assault being made to Plaintiff.

**B. Whether the movant would suffer irreparable injury without the injunction.**

While there is no set definition of "irreparable injury," *see, e.g., City of Benton Harbor v. Richardson*, 429 F.Supp. 1096, 1101 (W.D.Mich.1977), mere money injuries are insufficient. *Sampson v. Murray*, 415 U.S. 61, 90, 94 S.Ct. 937, 39 L.Ed.2d 166 (1974). Courts recognize physical harm as an irreparable injury. *Harris v. Bd. of Supervisors*, 366 F.3d 754, 766 (9th Cir.2004). Here, we have SBLI's anonymous representative telephoning Plaintiff and threatening to sexually assault Plaintiff because Plaintiff has filed a lawsuit against SBLI. Issuance of an injunction would act as a deterrent to present SBLI and those acting in concert with SBLI from causing further injury to Plaintiff.

**C. Whether issuance of the injunction would cause substantial harm to others.**

Issuance of the injunction would cause no harm to others. An injunction would merely prohibit SBLI and those acting in concert with it from having any unconsented contact with Plaintiff. Such an injunction would not interfere with the on-going judicial proceedings, as SBLI's attorneys would still be permitted to have contact with Plaintiff. SBLI cannot delineate any legitimate basis for which it has a need to have any contact with Plaintiff.

**D. Whether the public interest would be served by issuance of the injunction.**

The public interest is always served when parties are required to comply with the laws. *Corby v. Scranton Housing Authority*, 2005 WL 6789319, at \*4 (M.D.Pa.,2005).

**CONCLUSION**

WHEREFORE, the premises considered, Plaintiff respectfully requests this Court to immediately enter a temporary restraining order prohibiting SBLI and its officers, servants, agents, employees, representatives, and other persons who are in active concert or participation with them, from any unconsented contact with Plaintiff, except by and through SBLI's attorneys, legal process, and court hearings; until such time as this Court can hold a hearing to determine whether a preliminary

injunction shall issue.

Respectfully submitted,



Date: January 16, 2024

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Mark W. Dobronski  
Post Office Box 222  
Dexter, Michigan 48130-0222  
Telephone: (734) 330-9671  
Email: MarkDobronski@yahoo.com  
Plaintiff *In Propria Persona*

### CERTIFICATE OF SERVICE

I hereby certify that on **January 16, 2024**, I electronically filed the foregoing *Plaintiff's Emergency Motion for Injunctive Relief* with the Clerk of the Court via the Court's Pro Se Document Upload utility, which will send notification of such filing to all counsel of record via the CM/ECF system, and additionally served appearing *pro se* parties by sending same in a sealed envelope, with first class postage fully prepaid thereupon, and deposited in the United States Mail, addressed as follows:

Thomas Edison Simkins  
Post Office Box 38  
Elliston, Montana 59728-0038



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Mark W. Dobronski

**EXHIBIT**

**A**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**MARK W. DOBRONSKI,**

Case No. **2:23-cv-12153-JJCG-APP**

Plaintiff,

Honorable Jonathan J.C. Grey  
United States District Judge

v.

Honorable Anthony P. Patti  
United States Magistrate Judge

**THE SAVINGS BANK MUTUAL  
LIFE INSURANCE COMPANY OF  
MASSACHUSETTS, et al.,**

Defendants.

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**AFFIDAVIT OF MARK W. DOBRONSKI**

State of Michigan            )  
  ) s.s.  
County of Washtenaw        )

MARK W. DOBRONSKI, being first duly sworn, does depose and state, as follows:

1. I am the Plaintiff, appearing *in propria persona*, in the above-captioned matter.
2. I am a citizen of the United States of America, of the age of majority, and am mentally competent.
3. I have personal knowledge of the facts set forth in this affidavit, and if called as a witness, I can testify truthfully and competently thereto.
4. On August 23, 2023, I initiated the above-captioned case in the United States District Court for the Eastern District of Michigan by filing the Complaint

[ECF No. 1] in this matter.

5. The Complaint alleges violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, the Michigan Telephone Companies as Common Carriers Act (“MTCCCA”), M.C.L. § 484.101, *et seq.*, the Michigan Home Sales Solicitation Act (“MHSSA”), M.C.L. § 445.101, *et seq.*, and the Florida Telemarketing Sales Act (“FTSA”), Fla. Stat. § 509.059, stemming from a series of 13 telemarketing calls initiated by The Savings Bank Life Insurance Company of Massachusetts (“SBLI”) and/or SBLI’s agents to Plaintiff’s telephone lines seeking to solicit and sell SBLI life insurance products to Plaintiff.

6. One such telemarketing call alleged in the Complaint occurred on May 25, 2023, at approximately 5:25 P.M., at which time I received a telephone call on my cellular telephone number 734-\*\*\*-9671 from an individual identifying himself as “Mike with Senior Benefits”, who proceed to sell me an SBLI life insurance policy.

7. During the course of the May 25, 2023 with “Mike”, and solely in an attempt to better identify who was behind the unsolicited and unwelcome telemarketing calls, I provided “Mike” with false personal identifying information, including a *faux* name of Thomas J. Troy, controlled mailing address, fictitious Social Security number of \*\*\*-\*\*\*-3686, date of birth, height, weight, banking institution name, checking account number, and physician’s name.

8. The fact that “Mike” had authority to solicit and market SBLI insurance products was later confirmed to me by way of a letter dated August 4, 2023 from SBLI addressed to Thomas J. Troy at the controlled mailing address which I had previously provided to “Mike” during the May 25, 2023 telemarketing call.

9. On January 10, 2024, at 11:19 A.M., I received a telephone call on my cellular telephone number 734-\*\*\*-9671 from an individual who identified himself as being Dexter Morris, an agent with SBLI. Morris began the call by asking whether my Social Security number was \*\*\*-\*\*-3686. Morris then asked if he was speaking with Thomas J. Troy (to which I responded in the affirmative). Morris stated that he was calling to verify that I had received any policy papers from SBLI. Morris then proceeded to provide “for verification purposes” the mailing address, date of birth, height, weight, physician’s name, bank name, and bank account number information which I had previously supplied to “Mike” during the unsolicited telemarketing call on May 25, 2023 and asked me to confirm each. Morris stated that my last payment

did not go through, but that he “can fix that”, and that policy papers would soon be mailed to me “at your doorstep.”

10. On January 10, 2024, at approximately 1:10 P.M., I spoke with SBLI’s counsel, Benjamin Perry, regarding the receipt of the call earlier that morning and made express demand that SBLI and its agents cease and desist telephoning me. Perry stated that he would look into the matter and get back with me.

11. Barely a few seconds after I had terminated the call with Perry, on January 10, 2024, at approximately 1:18 P.M., my cellular telephone line 734-\*\*\*-9671 rang and displayed caller identification number 609-\*\*\*-0303. I answered the incoming call and was speaking with an individual who identified himself as “Richard McAdams with SBLI.” McAdams asked to speak with Thomas J. Troy, to which I feigned to be. McAdams explained that there was a payment issue relative to the SBLI insurance policy and proceeded to verify certain information, including Social Security number ending in -3686. McAdams explained that the life insurance application was being resubmitted.

12. Promptly after I terminated the call with McAdams, on January 10, 2024, at approximately 1:38 P.M., I again telephoned SBLI’s attorney, Benjamin Perry, to complain about the telemarketing call I had just received from McAdams. Once again, Perry stated that he would look into the matter and call me back.

13. On January 11, 2024, at approximately 9:18 P.M., my cellular telephone line 734-\*\*\*-9671 rang and displayed caller identification number 609-\*\*\*-0303. I answered that incoming call and was confronted by a male who was yelling, and who engaged in a profanity and racially-filled rage. The caller made numerous statements, including:

- “You are the mother fucker that is trying to sue us?” [0:23]<sup>1</sup>
- Identified himself as “Thomas J. Troy, the senior mother fucker.” [1:01]
- “You are the mother fucker who tries to sue companies.” [1:14]
- “You are on the federal do not call list.” [1:17]
- “I’m the fucking dead, bro, the boogey man.” [1:33]
- “You are a fucking red necked mother fucker.” [1:59]

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<sup>1</sup> Times shown are the elapsed time during the discourse of the telephone conversation.

- “This is not a sales call. This is a call where I fuck a bastard.” [3:19]
- “I am against those people who are fucking suing people.” [3:35]
- “So I am a fucking guy with a black dick, doing a job, who is going to shove it up in your ass.” [3:37]
- “I’m fucking you.” [4:19]

14. The telephone calls from SBLI and its agents have caused me distress and have negatively impacted my health.

15. The January 11, 2024 call from SBLI’s agent, in particular, has placed me in reasonable apprehension of sexual assault.

16. The telephone calls from SBLI and its agents has caused me to feel terrorized, frightened, intimidated, threatened, harassed, and molested.

17. I have made it clear to SBLI and its agents my expressed desire that I want no contact with them, but the unconsented contact from them continues.

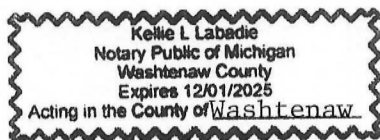
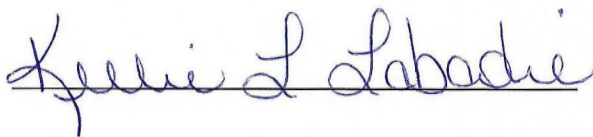
I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 16, 2024



Mark W. Dobronski

Subscribed and sworn to before me  
this 16<sup>th</sup> day of January, 2024.



# **EXHIBIT B**



For information or service, contact  
**SBLI Customer Service**  
P.O. Box 4048  
Woburn, MA 01888  
**800-694-7254**  
**www.sbli.com**  
**email - records@sbli.com**

August 4, 2023

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Thomas J Troy  
3140 Baker Rd  
#77  
Dexter, MI 48130

Insured: Thomas J Troy  
Policy No: 605393717

Dear Thomas J Troy:

Thank you for choosing SBLI of Massachusetts for your life insurance needs.

Your recent policy purchase requires the premium paid in full up front. At this time, your payment is not complete due to inaccurate bank account or credit card information, or insufficient funds.

**Take Action:** Please make your premium payment to avoid cancellation. Premium payments must be received within 20 days of the Policy Issue Date.

**You have options:**

- Visit [www.MySBLI.com](http://www.MySBLI.com) to either make a payment or update your payment details.
- We are here to help. Contact our Customer Service Call Center at 800-694-7254 for assistance.

Sincerely,

Ashlee LaRoche  
Customer Service