

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Richard M. Zelma

Plaintiff

Vs.

**Michael Peter Halperin, (“Halperin”)
Individually, as owner, manager,
founder and director of HFA Holdings
LLP., d/b/a, IP Horizon Inc.,
and;**

**Michael Peter Halperin, d/b/a HFA
Holdings LLP. (“HFA”), a/k/a, d/b/a, IP
Horizon Inc., SkyeTel, Call48,
MHLHTH Holdings LLC., and all of
Halperins currently unknown shell
companies**

and;

**DOE Telemarketers (1-20), ABC
Corporations’ (1-20), Resellers, Call-
Centers, working with, benefiting
from, participating in, affiliated or
doing business with the named
Defendants’; (Hereinafter “the
Halperin Defs’.), each acting
individually, in concert or as a group.**

Defendants’

CIVIL ACTION NO. 2:24-cv-01059 -ES-JRA

Removed from the Superior Court of
New Jersey Law Division, Bergen County;

Original Docket No. BER-L- 5354-23

**PLAINTIFF’S SUPPLEMENTAL
DECLARATION/CERTIFICATION
AND NOTICE TO THE COURT OF
ADDITIONAL PROHIBITED CALLS,
RECENTLY RECEIVED FROM
PHONE NUMBERS BELONGING TO
THE WITHIN DEFENDANTS**

February 27, 2025

VIA ECF ELECTRONIC FILING

Chambers of The Honorable Esther Salas, U.S.D.J.

Chambers of The Honorable José R. Almonte, U.S.M.J.

The District Court of New Jersey, Newark

Newark, NJ 07102

PLAINTIFF'S SUPPLEMENTAL DECLARATION
AND NOTICE TO THE COURT

I, Richard M. Zelma, Plaintiff *pro se*, hereby declare the following under penalty of perjury:

1. On February 22, 2025, I submitted a Declaration to This Court, notifying it of the receipt of recent marketing call(s) originating from a number owned by the Defendants, IP Horizon and Michael Halperin.
2. Subsequently, I contacted the Defendants' counsel, informing them of the following:

Gentlemen Feb 19, 2025, 4:24 PM
I received several calls today from 1-201-591-0847.
The caller identified the company as Prime Perks.
The number was active when called back.
They called my second line ending in 8154.
The carrier was identified as IP Horizon!
Thank you
Richard Zelma
Plaintiff.

3. In response, Joseph 'Joe' Bowser, the Defendants' Telecom specialty lawyer admitted *pro hac vice*, replied as follows:

Feb 24, 2025, 9:36 AM

Good morning, Mr. Zelma - that is an IP Horizon number, but it hasn't been assigned to a customer since May 3, 2024. Thus, any inbound call you received "from" that number since then must have been spoofed. IP Horizon (and our other carrier-client defendants) have no knowledge or record of any outbound calls from that number—to you or anyone else—since May 3, 2024.

With respect to your calls to that number – which, of course, the TCPA does not regulate — that number is among those in IP Horizon's database of currently unassigned numbers to which one or more companies have contracted to receive the inbound calls coming into those unassigned numbers. I understand that you're of the opinion that warehoused numbers must play a certain recording advising the calling party that the number is not in service. But, as evidenced by the fact that you've cited no such law or regulation, that is simply not the case. Thus, IP Horizon is within its rights to recover the costs of its numbering resources while it warehouses them before they are assigned to the next customer.

But, in all events, any call you received after 5/3/24 'from' 201-591-0847 must have been spoofed, and it never traversed IP Horizon's (or any of our other clients') networks.

Best,
Joe

4. The response from the Defendants' attorney is characterized by subterfuge, prevarication, and obfuscation, aimed at diverting attention from their clients' involvement and profit.

5. The assertion that marketing calls did not traverse IP Horizon's network is inconsequential.

6. The Defendants claim that the number has been out of service since May 3, 2024, a period exceeding nine months. This claim does not explain how a return call to that number received a prerecorded marketing response.

7. If the number was indeed out of service, as Defendants alleged in connection with additional calls in Plaintiff's Amended Complaint, any call to that number should result in either S.I.T. Tones or an announcement stating, 'the number called is not in service.' Such announcement was not heard.

8. When I called the number back, which was allegedly not in use, I reached a "free gift card" announcement identical to the one heard when I originally answered the call[s].

8. Counsel's questioning of the Plaintiff's notice regarding the absence of a 'not-in-service' announcement contravenes the spirit of the Reassigned Numbers Database, which promotes transparency and consumer information about the status of old phone numbers, but actually doesn't fit this issue.

9. Unassigned numbers, numbers not in service, and disconnected numbers are distinct categories of activity. Disconnected numbers fall under 47 CFR 52.15(g)(4)(iii):

"All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service."

10. Despite the Defendants' claim that the number has been disconnected for over six months, they continue to use and profit from the number, which still receives incoming calls.

11. As acknowledged by counsel in his email, the Defendants profit from unassigned numbers:

". . . which one or more companies have contracted to receive the inbound calls coming into those unassigned numbers." and;

"Thus, IP Horizon is within its rights to recover the costs of its numbering resources while it warehouses them before they are assigned to the next customer."

12. Defendant Halperin offers unassigned numbers to any willing buyer. **Supra**

13. These clients/customers/resellers/subscribers are not obliged to use Halperin's networks with his numbers. They can use those numbers through other carriers, thereby avoiding detection on Halperin's network.

14. The Defendants' calls qualify as Robo Calls, irrespective of their purported compliance with 47 CFR 52.15(g)(3)(ii)(C).

15. Discovery is expected to illuminate whether the Defendant reported all disconnected numbers as required under 47 CFR 52.15(f)(8).

16. The Defendants' convoluted responses merely obfuscate the issue, necessitating thorough discovery to uncover the truth.

17. This supplemental declaration is submitted not to prolong argument but to underscore the need for discovery to expose the Defendants' liability for both current and previous claims.

18. The complexity of this matter and the Defendants' potential violations, as outlined in Plaintiff's Amended Complaint, can be elucidated through an examination of the Defendants' phone records, required applications, submissions, and compliance documents related to unlawful or prohibited calls, as well as their filed statements with the relevant agencies to demonstrate measures taken to prevent future violations.

Respectfully submitted,
/s/ Richard M. Zelma
Richard M. Zelma, *Pro Se*
940 Blanch Avenue
Norwood, New Jersey 07648
Tel. No: 201 767 8153
EMAIL: TCPALAWRZ@gmail.com

Dated: February 27, 2025

CERTIFICATION

I, Richard M. Zelma, Plaintiff *pro se* in the above entitled matter, says as follows:

I am over the age of eighteen, and otherwise competent to be a witness in this matter.

I have reviewed all relevant law, rules and regulations, material and relevant to the within matter.

All statements by me relating to conversations or discussions with “others” regarding the subject matter of this case are true and accurate to the best of my understanding and declare under penalty of perjury that the foregoing is true and correct.

/s/ Richard M. Zelma

Dated: February 27, 2025

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2025, I electronically filed the foregoing Declaration and Certification using the Court’s Electronic Filing System, which will automatically generate a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF System, which includes the Defendants.

/s/ Richard M. Zelma

Dated: February 27, 2025