

Honorable David G. Estudillo

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,
Plaintiff

v.

Deryck D Richardson
Defendant.

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

DECLARATION OF
NATHEN BARTON

My name is Nathen Barton and I live at 4618 NW 11th Cir, Camas WA 98607. I am over the age of eighteen, and otherwise competent to be a witness in this matter. Except as expressly set forth herein, I make this declaration in my personal capacity and based on my personal knowledge.

1. Exhibit A is a true and accurate copy of an email I sent Deryck Richardson on 7/24/2024 asking him if he agreed to receive litigation related documents via email.
2. Exhibit B is a true and accurate copy of an email I received from Deryck Richardson agreeing to receive litigation related documents via email.
3. Exhibit C is a true and accurate copy of an email where I served requests for admission in 10.1.2024 DR Admissions 3.pdf on Mr. Richardson.
4. Exhibit D is a true an accurate copy of the requests for admission in 10.1.2024 DR Admissions 3.pdf served on Mr. Richardson.

5. I never received a response from Mr. Richardson on the requests for admission in 10.1.2024 DR Admissions 3.pdf served on Mr. Richardson.
6. Exhibit E is a true and accurate copy of an email where I served requests for admission in 11.1.2024 DR Admissions 4.pdf on Mr. Richardson.
7. Exhibit F is a true an accurate copy of the requests for admission in 11.1.2024 RMG Admissions 4.pdf served on Mr. Richardson.
8. I never received a response from Mr. Richardson on the requests for admission in 11.1.2024 DR Admissions 4.pdf served on Mr. Richardson.
9. Exhibit G is a true and accurate copy of an email where I served requests for admission in 12.1.2024 DR Admissions 5.pdf on Mr. Richardson.
10. Exhibit H is a true an accurate copy of the requests for admission in 12.1.2024 DR Admissions 5.pdf served on Mr. Richardson.
11. I never received a response from Mr. Richardson on the requests for admission in 12.1.2024 DR Admissions 5.pdf served on Mr. Richardson.
12. I did not want to take advantage of Mr. Richardson't pro-se status.
13. When Mr. Richardson did not respond to my initial discovery requests, I sent him an email pointing him to the civil rules for RFAs, RFIs, and RFDs.
14. Exhibit J is a true and accurate copy of that email sent to Mr. Richardson on August 28, 2024.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.



September 19, 2025 Signed in Camas Washington

Signed by Nathen Barton

Date

Clark County

Barton v Real Innovation et al

From N B <bluewind33@protonmail.com>

To R.M.G.<info@richardsonmarketinggroup.net>

Date Wednesday, July 24th, 2024 at 4:39 PM

Hello Mr. Richardson,

Do you agree to service of documents between you, me, and RMG via email? If you agree to receive litigation related documents via email, I agree to receive litigation related documents via email.

Nathen

Sent with [Proton Mail](#) secure email.

Re: Barton v Real Innovation et al

From R.M.G. <info@richardsonmarketinggroup.net>

To N B <bluewind33@protonmail.com>

Date Thursday, July 25th, 2024 at 8:17 AM

Yes, I accept.

Kind Regards,

Deryck Richardson

President/CEO

Richardson Marketing Group

800.460.0464 x 800

[Schedule a Call Here](#)

www.richardsonmarketinggroup.net

On Wed, Jul 24, 2024 at 7:39 PM N B <bluewind33@protonmail.com> wrote:

Hello Mr. Richardson,

Do you agree to service of documents between you, me, and RMG via email? If you agree to receive litigation related documents via email, I agree to receive litigation related documents via email.

Nathen

Sent with [Proton Mail](#) secure email.

Barton v Real Innovation Inc et al - new discovery requests

From N B <bluewind33@protonmail.com>
To R.M.G.<info@richardsonmarketinggroup.net>
CC Jensen Mauseth<jmauseth@mausethlegal.com>, Judy Kostov<JKostov@mausethlegal.com>
Date Tuesday, October 1st, 2024 at 4:59 PM

Hello,

Please find the attached two requests for admission for Richardson Marketing Group LLC and Deryck Richardson.

Thank you,
Nathen

Sent with [Proton Mail](#) secure email.

330.49 KB 2 files attached

10.1.2024 RMG Admissions 3.pdf 170.34 KB

10.1.2024 DR Admissions 3.pdf 160.15 KB

Honorable David G. Estudillo

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WA**

NATHEN BARTON,

Plaintiff
v.

Real Innovation Inc, Richardson
Marketing Group LLC, Deryck D
Richardson, Peter Reiersen, and John Doe

1-10
Defendants.

No. 3:24-cv-05194-DGE

**PLAINTIFF’S THIRD REQUEST
FOR ADMISSION TO DEFENDANT
DERYCK D RICHARDSON**

PLAINTIFF’S THIRD REQUESTS FOR ADMISSION

Plaintiff Nathen Barton (“Barton”) respectfully submits the following Requests for Admission to Defendant Deryck D Richardson (“DR”) in accordance with FRCP 36.

DR is requested to produce its responses to these Requests for Admission (“Admissions”) within thirty (30) days of service hereof, to Nathen Barton at bluewind33@protonmail.com.

In answering you are required to use all information which is available to you or your legal representatives, by whatever means, not merely such information known of your own personal knowledge. If you claim privilege for any reason in response to any Admission,

1 provide the following information with respect to the response: the persons with knowledge of
2 the subject matter; description of the subject matter; recipients of the subject matter; and nature
3 of the privilege relied upon.

4 For the purposes of these Requests for Admission, the following terms shall have the
5 meanings indicated:

6 **INSTRUCTIONS**

- 7 A. Each Request for Admission is to be answered fully based on information which is in
8 your possession, and also information that is reasonably available.
- 9 B. If you object to or otherwise decline to answer any Request for Admission, state the
10 reason for such objection or declination.
- 11 C. Every Request for Admission herein shall be deemed as continuing and information
12 in addition to or in any way inconsistent with your initial answer to such Request for
Admission must be supplemented promptly.

13 **Definitions**

- 14 A. “RMG”, or “Richardson Marketing Group”, means Richardson Marketing Group
15 LLC, and any other persons or entities acting within the scope of their authority on
16 behalf of Richardson Marketing Group LLC.
- 17 B. “Deryck D Richardson”, “Deryck Richardson”, “you”, “your”, or “yourself”, means
18 Deryck D Richardson, and any other persons or entities acting within the scope of
19 their authority on behalf of Deryck D Richardson.
- 20 C. “RIL” is Real Innovation Inc.
- 21 D. “Person”, “persons,” “people”, and “individual” means any natural person, together
22 with all federal, state, county, municipal and other government units, agencies or
public bodies, as well as firms, companies, corporations, partnerships,
23 proprietorships, joint ventures, organizations, groups of natural persons or other
associations or entities separately identifiable whether or not such associations or
24 entities have a separate legal existence in their own right.
- E. “Document,” “documents,” and “writing” means all records, papers, and books,
transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by

1 hand or by some mechanical, electronic, photographic or other means, as well as
2 sound reproductions of oral statements or conversations by whatever means made,
3 whether in your actual or constructive possession or under your control or not,
4 relating to or pertaining to or in any way to the subject matters in connection which it
5 is used and includes originals, all file copies, all other copies, no matter how prepared
6 and all drafts prepared in connection with such writing, whether used or not,
7 including by way of illustration and not by way of limitation, the following; books;
8 records; reports; contracts; agreements; expense accounts; canceled checks;
9 catalogues; price lists; video, audio and other electronic recordings; memoranda
10 (including written memoranda of telephone conversations, other conversations,
11 discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads;
12 scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail;
13 facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards;
14 letters; telegrams; publications; inter- and intra- office communications; photostats;
15 photographs; microfilm; maps; drawings; diagrams; sketches; analyses;
16 electromagnetic records; transcripts; and any other documents within defendant's
17 possession, custody or control from which information can be obtained or translated,
18 if necessary, by detection devices into reasonably usable form, i.e. typed in English
19 prose.

12 F. "Communication" or "communications" means any and all inquiries, discussions,
13 conferences, conversations, negotiations, agreements, meetings, interviews, telephone
14 conversations, letters correspondence, notes telegrams, facsimiles, electronic mail,
15 memoranda, or other forms of communications, including but not limited to both oral
and written communications.

16 G. "Related to," "relating to," "referring to," "reflecting," "concerning" or "evidencing"
17 are used in their broadest sense, and mean anything that, directly or indirectly,
18 generally or specifically, regards, relates to, refers to, concerns, contains, constitutes,
19 contradicts, evidences, embodies, compromises, reflects, mentions, identifies, states,
deals with, comments on, responds to, describes, analyzes or is in anyway, directly or
indirectly, relevant to the subject.

20 H. "Record" means a Document constituting a piece of evidence about the past or related
21 to a past event.

22 I. When an exact answer to a Request for Admission is not known, state the best
23 estimate available, state that it is an estimate, and state the basis for such an estimate.
24 If documents once in your possession or under your control are requested or are the
subject of an Admission, and such documents are no longer in your possession or

1 under your control, state when such documents were must recently in your possession
2 or under your control, and what disposition was made of them, including
3 identification of the person now in possession of or exercising control over such
4 documents. If the documents were destroyed, state when and where they were
5 destroyed, and identify the person or persons who directed their destruction.

6 J. “opt in”, “opt-in”, and “opt ins” means the legal basis for initiating a telemarketing
7 call to telephone number (972) 207-5749. Examples might be an established business
8 relationship, a product or service inquiry, or a contract that allowed for telephone
9 calls.

10 K. “Lawsuit” means this civil case 3:24-cv-05194-DGE in the Western District of
11 Washington.

12 L. All of the following Requests for Admission shall be continuing in nature until such
13 date as the Court determines, and you must supplement your answers as additional
14 information becomes known or available to you.

15 M. “Established Business Relationship” is defined in in 47 CFR § 64.1200(f)(5).

16 N. “telephone solicitation” is defined in 47 CFR § 64.1200(f)(15) and is the same as
17 “telephone solicit”.

18 O. “Outbound telephone call” is defined in 16 Code of Federal Regulations part §310.2.

19 P. “Seller” is defined in 47 CFR § 64.1200(f)(10).

20 Q. “Robocall” means a call with artificial or prerecorded voice regulated under 47 CFR
21 § 64.1200.

22 R. “Telemarketer” is defined in 47 CFR § 64.1200(f)(12).

23 S. “Telemarketing” is defined in 47 CFR § 64.1200(f)(13).

24 T. “Sellers” is plural of “Seller”.

U. “Subscription Account Number” is the Subscription Account Number assigned by the
Federal Trade Commission.¹

¹ <https://www.ftc.gov/business-guidance/resources/qa-telemarketers-sellers-about-dnc-provisions-tsr-0>

1 V. “Promote” means to advertise a product or service, encourage the consumption of a
2 product or service, to make aware the availability of a product or service, or otherwise
3 attempt to connect Sellers with people who might be interested in what the Seller is
4 offering to sell.

5 W. Transferring a call means adding another entity to an existing phone call involving
6 two or more parties.

7 X. “phone call transferred to a phone number you use” means when you were joined to
8 an existing phone call involving two or more parties.

9 Y. “inbound calls transferred to you” means any phone call transferred to a phone
10 number you use.

11 Z. “phone call involving phone number (972) 207-5749 was transferred to you” means
12 you were joined to an existing phone call involving two or more parties, and one of
13 those parties was using phone number (972) 207 5749.

14 AA. On RIL’s behalf or initiating calls on RIL’s behalf means you initiating calls or
15 you incentivizing others to initiate calls to (972) 207-5749 for the purpose of
16 encouraging the recipient to purchase services from Real Innovation Inc.

17 BB. “Subscription Account Number” means the Subscription Account Number
18 issued by the Federal Trade Commission.²

19 CC. “Patrick McNeal” is the Patrick McNeal of Dkt. 1-1 ¶175.

20 DD. “Agreement” and “Lead Provision Agreement” is the Lead Provision Agreement
21 referenced in RIL’s complaint against RMG, ¶3:

22 “On or around July 24, 2023, Defendant Richardson Marketing Group, LLC,
23 signed Lead Provision Agreement with Real Innovation, Inc.’s chief marketing

24 ² <https://telemarketing.donotcall.gov/profile/Create.aspx>

1 officer Chuck Hoskovec. Exhibit 1.”

2 and you responded “Paragraph 3: Admit” in your Answer as shown in Dkt. 41,
3 page 30.

4 EE. “Lead” or “Leads” has the same meaning as the words are used in the Lead
5 Provision Agreement.

6 FF. “Prior express consent “is permission from the current subscriber of a telephone
7 number, or permission from a non-subscriber customary user of a telephone
8 number, for an entity to initiate a call to the telephone number for the purpose of
9 encouraging the purchase of goods or services.

10 GG. “Consumer” means a person who purchases goods and services for personal use.

11 HH. "automatic dialing and announcing device" means a system which automatically
12 dials telephone numbers and transmits a recorded or artificial voice message
13 once a connection is made pursuant to Washington State RCW 80.36.400(1)(b).

14 II. “call centers” or “call center” means an entity that that initiates telephone
15 solicitation for the benefit of a different entity.

16 JJ. “all times relevant to this lawsuit” or “times relevant to this lawsuit” means the
17 years 2019, 2020, 2021, 2022, and 2024.

18 **NOTE**

19 **IF ANY REQUEST FOR ADMISSION IS OBJECTIONABLE, PLEASE CALL**
20 **OR EMAIL PLAINTIFF BEFORE OBJECTING, IN ORDER TO ATTEMPT TO**
21 **NARROW THE QUESTION OR AVOID THE OBJECTIONABLE PORTION OR**
22 **ASPECT.**

23 **REQUESTS FOR ADMISSION**

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ADMISSION NO. 11:

Admit that RIL did not know RMG intended to generate the Leads promised in the Lead Provision Agreement using Robocalls.

ANSWER:

ADMISSION NO. 12:

Admit that RIL did not know RMG intended to generate the Leads promised in the Lead Provision Agreement using an automatic dialing and announcing device.

ANSWER:

ADMISSION NO. 13:

Admit that you knew Barton had asked RMG to stop soliciting him in the year 2019 and you instructed RMG to ignore the request.

ANSWER:

1 **ADMISSION NO. 14:**

2 Admit that you knew Barton had never consented to telephone solicitation calls from RMG at
3 any telephone number and you instructed RMG to telephone solicit (972) 207 5749 anyway.

4 **ANSWER:**

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9 **ADMISSION NO. 15:**

10 Admit that you knew Barton had never consented to calls at any telephone number from any of
11 the entities RMG was soliciting for and you instructed RMG to telephone solicit (972) 207 5749
12 anyway.

13 **ANSWER:**

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18 **ADMISSION NO. 16:**

19 Admit that you knew Barton had asked RMG to stop telephone soliciting (972) 207-5749 in the
20 year 2021 and you instructed RMG to ignore the request.

21 **ANSWER:**

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ADMISSION NO. 17:

Admit that you knew Barton had asked RMG to stop telephone soliciting (972) 207-5749 in the year 2020 and you instructed RMG to ignore the request.

ANSWER:

ADMISSION NO. 18:

Admit that you knew Barton had asked RMG to stop soliciting telephone number (972) 207-5749 in the year 2019 and you instructed RMG to ignore the request.

ANSWER:

ADMISSION NO. 19:

Admit that you knew Barton had never consented to telephone calls from RMG that contained artificial or prerecorded voice, and you instructed RMG to initiate calls to (972) 207 5749 using an automatic dialing and announcing device anyway.

ANSWER:

1 **ADMISSION NO. 20:**

2 Admit that RIL did not know RMG intended to generate the Leads promised in the Lead
3 Provision Agreement using an automatic dialing and announcing device.

4 **ANSWER:**

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8 **ADMISSION NO. 21:**

9 Admit that RIL instructed RMG not to generate the Leads promised in the Lead Provision
10 Agreement using an automatic dialing and announcing device.

11 **ANSWER:**

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15 **CERTIFICATE OF SERVICE**

16 I DECLARE that on October 1, 2024, I placed for delivery via Email, a true copy of the
17 foregoing "PLAINTIFF'S THIRD REQUEST FOR ADMISSIONS" to:

18 info@richardsonmarketinggroup.net

19 as the parties agreed.

20
21

22 s/ Nathen Barton
23 Nathen Barton
4618 NW 11th Cir
Camas WA 98607
bluewind33@protonmail.com

Barton v Real Innovation Inc et al - New discovery requests 11.1.2024

From N B <bluewind33@protonmail.com>
To R.M.G.<info@richardsonmarketinggroup.net>, Jensen Mauseth<jmauseth@mausethlegal.com>, Judy Kostov<JKostov@mausethlegal.com>
Date Friday, November 1st, 2024 at 9:14 PM

Hello,

I have two new requests for admission.

Thank you,
Nathen

Sent with [Proton Mail](#) secure email.

346.93 KB 2 files attached

11.1.2024 DR Admissions 4.pdf 168.09 KB

11.1.2024 RMG Admissions 4.pdf 178.85 KB

Honorable David G. Estudillo

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WA**

NATHEN BARTON,

Plaintiff
v.

Real Innovation Inc, Richardson
Marketing Group LLC, Deryck D
Richardson, Peter Reiersen, and John Doe

1-10
Defendants.

No. 3:24-cv-05194-DGE

**PLAINTIFF’S FOURTH REQUEST
FOR ADMISSION TO DEFENDANT
DERYCK D RICHARDSON**

PLAINTIFF’S FOURTH REQUESTS FOR ADMISSION

Plaintiff Nathen Barton (“Barton”) respectfully submits the following Requests for Admission to Defendant Deryck D Richardson (“DR”) in accordance with FRCP 36.

DR is requested to produce its responses to these Requests for Admission (“Admissions”) within thirty (30) days of service hereof, to Nathen Barton at bluewind33@protonmail.com.

In answering you are required to use all information which is available to you or your legal representatives, by whatever means, not merely such information known of your own personal knowledge. If you claim privilege for any reason in response to any Admission,

1 provide the following information with respect to the response: the persons with knowledge of
2 the subject matter; description of the subject matter; recipients of the subject matter; and nature
3 of the privilege relied upon.

4 For the purposes of these Requests for Admission, the following terms shall have the
5 meanings indicated:

6 **INSTRUCTIONS**

- 7 A. Each Request for Admission is to be answered fully based on information which is in
8 your possession, and also information that is reasonably available.
- 9 B. If you object to or otherwise decline to answer any Request for Admission, state the
10 reason for such objection or declination.
- 11 C. Every Request for Admission herein shall be deemed as continuing and information
12 in addition to or in any way inconsistent with your initial answer to such Request for
Admission must be supplemented promptly.

13 **Definitions**

- 14 A. “RMG”, or “Richardson Marketing Group”, means Richardson Marketing Group
15 LLC, and any other persons or entities acting within the scope of their authority on
16 behalf of Richardson Marketing Group LLC.
- 17 B. “Deryck D Richardson”, “Deryck Richardson”, “you”, “your”, or “yourself”, means
18 Deryck D Richardson, and any other persons or entities acting within the scope of
19 their authority on behalf of Deryck D Richardson.
- 20 C. “RIL” is Real Innovation Inc.
- 21 D. “Person”, “persons,” “people”, and “individual” means any natural person, together
22 with all federal, state, county, municipal and other government units, agencies or
public bodies, as well as firms, companies, corporations, partnerships,
23 proprietorships, joint ventures, organizations, groups of natural persons or other
associations or entities separately identifiable whether or not such associations or
24 entities have a separate legal existence in their own right.
- E. “Document,” “documents,” and “writing” means all records, papers, and books,
transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by

1 hand or by some mechanical, electronic, photographic or other means, as well as
2 sound reproductions of oral statements or conversations by whatever means made,
3 whether in your actual or constructive possession or under your control or not,
4 relating to or pertaining to or in any way to the subject matters in connection which it
5 is used and includes originals, all file copies, all other copies, no matter how prepared
6 and all drafts prepared in connection with such writing, whether used or not,
7 including by way of illustration and not by way of limitation, the following; books;
8 records; reports; contracts; agreements; expense accounts; canceled checks;
9 catalogues; price lists; video, audio and other electronic recordings; memoranda
10 (including written memoranda of telephone conversations, other conversations,
11 discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads;
12 scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail;
13 facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards;
14 letters; telegrams; publications; inter- and intra- office communications; photostats;
15 photographs; microfilm; maps; drawings; diagrams; sketches; analyses;
16 electromagnetic records; transcripts; and any other documents within defendant's
17 possession, custody or control from which information can be obtained or translated,
18 if necessary, by detection devices into reasonably usable form, i.e. typed in English
19 prose.

12 F. "Communication" or "communications" means any and all inquiries, discussions,
13 conferences, conversations, negotiations, agreements, meetings, interviews, telephone
14 conversations, letters correspondence, notes telegrams, facsimiles, electronic mail,
15 memoranda, or other forms of communications, including but not limited to both oral
and written communications.

16 G. "Related to," "relating to," "referring to," "reflecting," "concerning" or "evidencing"
17 are used in their broadest sense, and mean anything that, directly or indirectly,
18 generally or specifically, regards, relates to, refers to, concerns, contains, constitutes,
19 contradicts, evidences, embodies, compromises, reflects, mentions, identifies, states,
deals with, comments on, responds to, describes, analyzes or is in anyway, directly or
indirectly, relevant to the subject.

20 H. "Record" means a Document constituting a piece of evidence about the past or related
21 to a past event.

22 I. When an exact answer to a Request for Admission is not known, state the best
23 estimate available, state that it is an estimate, and state the basis for such an estimate.
24 If documents once in your possession or under your control are requested or are the
subject of an Admission, and such documents are no longer in your possession or

1 under your control, state when such documents were must recently in your possession
2 or under your control, and what disposition was made of them, including
3 identification of the person now in possession of or exercising control over such
4 documents. If the documents were destroyed, state when and where they were
5 destroyed, and identify the person or persons who directed their destruction.

6 J. “opt in”, “opt-in”, and “opt ins” means the legal basis for initiating a telemarketing
7 call to telephone number (972) 207-5749. Examples might be an established business
8 relationship, a product or service inquiry, or a contract that allowed for telephone
9 calls.

10 K. “Lawsuit” means this civil case 3:24-cv-05194-DGE in the Western District of
11 Washington.

12 L. All of the following Requests for Admission shall be continuing in nature until such
13 date as the Court determines, and you must supplement your answers as additional
14 information becomes known or available to you.

15 M. “Established Business Relationship” is defined in in 47 CFR § 64.1200(f)(5).

16 N. “telephone solicitation” is defined in 47 CFR § 64.1200(f)(15) and is the same as
17 “telephone solicit”.

18 O. “Outbound telephone call” is defined in 16 Code of Federal Regulations part §310.2.

19 P. “Seller” is defined in 47 CFR § 64.1200(f)(10).

20 Q. “Robocall” means a call with artificial or prerecorded voice regulated under 47 CFR
21 § 64.1200.

22 R. “Telemarketer” is defined in 47 CFR § 64.1200(f)(12).

23 S. “Telemarketing” is defined in 47 CFR § 64.1200(f)(13).

24 T. “Sellers” is plural of “Seller”.

U. “Subscription Account Number” is the Subscription Account Number assigned by the
Federal Trade Commission.¹

¹ <https://www.ftc.gov/business-guidance/resources/qa-telemarketers-sellers-about-dnc-provisions-tsr-0>

1 V. “Promote” means to advertise a product or service, encourage the consumption of a
2 product or service, to make aware the availability of a product or service, or otherwise
3 attempt to connect Sellers with people who might be interested in what the Seller is
4 offering to sell.

5 W. Transferring a call means adding another entity to an existing phone call involving
6 two or more parties.

7 X. “phone call transferred to a phone number you use” means when you were joined to
8 an existing phone call involving two or more parties.

9 Y. “inbound calls transferred to you” means any phone call transferred to a phone
10 number you use.

11 Z. “phone call involving phone number (972) 207-5749 was transferred to you” means
12 you were joined to an existing phone call involving two or more parties, and one of
13 those parties was using phone number (972) 207 5749.

14 AA. On RIL’s behalf or initiating calls on RIL’s behalf means you initiating calls or
15 you incentivizing others to initiate calls to (972) 207-5749 for the purpose of
16 encouraging the recipient to purchase services from Real Innovation Inc.

17 BB. “Subscription Account Number” means the Subscription Account Number
18 issued by the Federal Trade Commission.²

19 CC. “Patrick McNeal” is the Patrick McNeal of Dkt. 1-1 ¶175.

20 DD. “Agreement” and “Lead Provision Agreement” is the Lead Provision Agreement
21 referenced in RIL’s complaint against RMG, ¶3:

22 “On or around July 24, 2023, Defendant Richardson Marketing Group, LLC,
23 signed Lead Provision Agreement with Real Innovation, Inc.’s chief marketing

24 ² <https://telemarketing.donotcall.gov/profile/Create.aspx>

1 officer Chuck Hoskovec. Exhibit 1.”

2 and you responded “Paragraph 3: Admit” in your Answer as shown in Dkt. 41,
3 page 30.

4 EE. “Lead” or “Leads” has the same meaning as the words are used in the Lead
5 Provision Agreement.

6 FF. “Prior express consent “is permission from the current subscriber of a telephone
7 number, or permission from a non-subscriber customary user of a telephone
8 number, for an entity to initiate a call to the telephone number for the purpose of
9 encouraging the purchase of goods or services.

10 GG. “Consumer” means a person who purchases goods and services for personal use.

11 HH. "automatic dialing and announcing device" means a system which automatically
12 dials telephone numbers and transmits a recorded or artificial voice message
13 once a connection is made pursuant to Washington State RCW 80.36.400(1)(b).

14 II. “call centers” or “call center” means an entity that that initiates telephone
15 solicitation for the benefit of a different entity.

16 JJ. “all times relevant to this lawsuit” or “times relevant to this lawsuit” means the
17 years 2019, 2020, 2021, 2022, and 2024.

18 **NOTE**

19 **IF ANY REQUEST FOR ADMISSION IS OBJECTIONABLE, PLEASE CALL**
20 **OR EMAIL PLAINTIFF BEFORE OBJECTING, IN ORDER TO ATTEMPT TO**
21 **NARROW THE QUESTION OR AVOID THE OBJECTIONABLE PORTION OR**
22 **ASPECT.**

23 **REQUESTS FOR ADMISSION**

1 **ADMISSION NO. 22:**

2 Admit that you knew Barton had never consented to telephone solicitation calls from RMG at
3 any telephone number and you instructed RMG to telephone solicit (469) 347 2139 anyway.

4 **ANSWER:**

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9 **ADMISSION NO. 23:**

10 Admit that you knew Barton had never consented to calls at any telephone number from any of
11 the entities RMG was soliciting for and you instructed RMG to telephone solicit (469) 347 2139
12 anyway.

13 **ANSWER:**

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17 **ADMISSION NO. 24:**

18 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the
19 year 2023 and you instructed RMG to ignore the request.

20 **ANSWER:**

1 **ADMISSION NO. 25:**

2 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the
3 year 2022 and you instructed RMG to ignore the request.

4 **ANSWER:**

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9 **ADMISSION NO. 26:**

10 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the
11 year 2021 and you instructed RMG to ignore the request.

12 **ANSWER:**

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16 **ADMISSION NO. 27:**

17 Admit that you knew Barton had never consented to telephone calls from RMG that contained
18 artificial or prerecorded voice, and you instructed RMG to initiate calls to (469) 347 2139 using
19 an automatic dialing and announcing device anyway.

20 **ANSWER:**

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ADMISSION NO. 28:

Admit that Nathen Barton personally registered phone number (469) 347 2139 on the Federal Trade Commission’s national do not call registry on 2/10/2021.

ANSWER:

ADMISSION NO. 29:

Admit that Nathen Barton became the subscriber of phone number (469) 347 2139 on 2/10/2021 and has been the subscriber continuously ever since.

ANSWER:

ADMISSION NO. 30:

Admit that Nathen Barton personally registered phone number (972) 207 5749 on the Federal Trade Commission’s national do not call registry on 10/30/2021.

ANSWER:

1 **ADMISSION NO. 31:**

2 Admit that Nathen Barton has been the subscriber of phone number (972) 207 5749 during all
3 times from January 1, 2019, through October 31, 2024.

4 **ANSWER:**

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9 **ADMISSION NO. 32:**

10 Admit that phone number (972) 207 5749 has been a “residential telephone line” as that term is
11 used in 47 U.S. Code § 227(b)(1)(B) during all times Nathen Barton was the subscriber of this
12 phone number.

13 **ANSWER:**

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17 **ADMISSION NO. 33:**

18 Admit that phone number (972) 207 5749 has been a “residential line” as that term is used in 47
19 CFR § 64.1200(a)(3) during all times Nathen Barton was the subscriber of this phone number.

20 **ANSWER:**

1 **ADMISSION NO. 34:**

2 Admit that phone number (469) 347 2139 has been a “residential telephone line” as that term is
3 used in 47 U.S. Code § 227(b)(1)(B) during all times Nathen Barton was the subscriber of this
4 phone number.

5 **ANSWER:**

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9 **ADMISSION NO. 35:**

10 Admit that phone number (469) 347 2139 has been a “residential line” as that term is used in 47
11 CFR § 64.1200(a)(3) during all times Nathen Barton was the subscriber of this phone number.

12 **ANSWER:**

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15 **CERTIFICATE OF SERVICE**

16 I DECLARE that on November 1, 2024, I placed for delivery via Email, a true copy of the
17 foregoing “PLAINTIFF’S FOURTH REQUEST FOR ADMISSIONS” to:

18 info@richardsonmarketinggroup.net

19 jmauseth@mausethlegal.com

20 JKostov@mausethlegal.com

21 as the parties agreed.
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s/ Nathen Barton
Nathen Barton
4618 NW 11th Cir
Camas WA 98607
bluewind33@protonmail.com

Barton v Real Innovation Inc et al - 12.1.2024 - new requests for admissions

From N B <bluewind33@protonmail.com>
To R.M.G.<info@richardsonmarketinggroup.net>, Jensen Mauseth <jmauseth@mausethlegal.com>, Judy Kostov <JKostov@mausethlegal.com>
Date Sunday, December 1st, 2024 at 7:15 PM

Hello,

Here are last requests for admissions, for parties Richardson Marketing Group LLC and Deryck D Richardson.

Nathen

Sent with [Proton Mail](#) secure email.

314.30 KB 2 files attached

12.1.2024 RMG Admissions 5.pdf 162.32 KB

12.1.2024 DR Admissions 5.pdf 151.98 KB

Honorable David G. Estudillo

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WA**

NATHEN BARTON,

Plaintiff
v.

Real Innovation Inc, Richardson
Marketing Group LLC, Deryck D
Richardson, Peter Reiersen, and John Doe

1-10
Defendants.

No. 3:24-cv-05194-DGE

PLAINTIFF’S FIFTH REQUEST
FOR ADMISSION TO DEFENDANT
DERYCK D RICHARDSON

PLAINTIFF’S FIFTH REQUESTS FOR ADMISSION

Plaintiff Nathen Barton (“Barton”) respectfully submits the following Requests for Admission to Defendant Deryck D Richardson (“DR”) in accordance with FRCP 36.

DR is requested to produce its responses to these Requests for Admission (“Admissions”) within thirty (30) days of service hereof, to Nathen Barton at bluewind33@protonmail.com.

In answering you are required to use all information which is available to you or your legal representatives, by whatever means, not merely such information known of your own personal knowledge. If you claim privilege for any reason in response to any Admission,

1 provide the following information with respect to the response: the persons with knowledge of
2 the subject matter; description of the subject matter; recipients of the subject matter; and nature
3 of the privilege relied upon.

4 For the purposes of these Requests for Admission, the following terms shall have the
5 meanings indicated:

6 **INSTRUCTIONS**

- 7 A. Each Request for Admission is to be answered fully based on information which is in
8 your possession, and also information that is reasonably available.
- 9 B. If you object to or otherwise decline to answer any Request for Admission, state the
10 reason for such objection or declination.
- 11 C. Every Request for Admission herein shall be deemed as continuing and information
12 in addition to or in any way inconsistent with your initial answer to such Request for
Admission must be supplemented promptly.

13 **Definitions**

- 14 A. “RMG”, or “Richardson Marketing Group”, means Richardson Marketing Group
15 LLC, and any other persons or entities acting within the scope of their authority on
16 behalf of Richardson Marketing Group LLC.
- 17 B. “Deryck D Richardson”, “Deryck Richardson”, “you”, “your”, or “yourself”, means
18 Deryck D Richardson, and any other persons or entities acting within the scope of
19 their authority on behalf of Deryck D Richardson.
- 20 C. “RIL” is Real Innovation Inc.
- 21 D. “Person”, “persons,” “people”, and “individual” means any natural person, together
22 with all federal, state, county, municipal and other government units, agencies or
public bodies, as well as firms, companies, corporations, partnerships,
23 proprietorships, joint ventures, organizations, groups of natural persons or other
associations or entities separately identifiable whether or not such associations or
24 entities have a separate legal existence in their own right.
- E. “Document,” “documents,” and “writing” means all records, papers, and books,
transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by

1 hand or by some mechanical, electronic, photographic or other means, as well as
2 sound reproductions of oral statements or conversations by whatever means made,
3 whether in your actual or constructive possession or under your control or not,
4 relating to or pertaining to or in any way to the subject matters in connection which it
5 is used and includes originals, all file copies, all other copies, no matter how prepared
6 and all drafts prepared in connection with such writing, whether used or not,
7 including by way of illustration and not by way of limitation, the following; books;
8 records; reports; contracts; agreements; expense accounts; canceled checks;
9 catalogues; price lists; video, audio and other electronic recordings; memoranda
10 (including written memoranda of telephone conversations, other conversations,
11 discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads;
12 scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail;
13 facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards;
14 letters; telegrams; publications; inter- and intra- office communications; photostats;
15 photographs; microfilm; maps; drawings; diagrams; sketches; analyses;
16 electromagnetic records; transcripts; and any other documents within defendant's
17 possession, custody or control from which information can be obtained or translated,
18 if necessary, by detection devices into reasonably usable form, i.e. typed in English
19 prose.

12 F. "Communication" or "communications" means any and all inquiries, discussions,
13 conferences, conversations, negotiations, agreements, meetings, interviews, telephone
14 conversations, letters correspondence, notes telegrams, facsimiles, electronic mail,
15 memoranda, or other forms of communications, including but not limited to both oral
and written communications.

16 G. "Related to," "relating to," "referring to," "reflecting," "concerning" or "evidencing"
17 are used in their broadest sense, and mean anything that, directly or indirectly,
18 generally or specifically, regards, relates to, refers to, concerns, contains, constitutes,
19 contradicts, evidences, embodies, compromises, reflects, mentions, identifies, states,
deals with, comments on, responds to, describes, analyzes or is in anyway, directly or
indirectly, relevant to the subject.

20 H. "Record" means a Document constituting a piece of evidence about the past or related
21 to a past event.

22 I. When an exact answer to a Request for Admission is not known, state the best
23 estimate available, state that it is an estimate, and state the basis for such an estimate.
24 If documents once in your possession or under your control are requested or are the
subject of an Admission, and such documents are no longer in your possession or

1 under your control, state when such documents were must recently in your possession
2 or under your control, and what disposition was made of them, including
3 identification of the person now in possession of or exercising control over such
4 documents. If the documents were destroyed, state when and where they were
5 destroyed, and identify the person or persons who directed their destruction.

6 J. “opt in”, “opt-in”, and “opt ins” means the legal basis for initiating a telemarketing
7 call to telephone number (972) 207-5749. Examples might be an established business
8 relationship, a product or service inquiry, or a contract that allowed for telephone
9 calls.

10 K. “Lawsuit” means this civil case 3:24-cv-05194-DGE in the Western District of
11 Washington.

12 L. All of the following Requests for Admission shall be continuing in nature until such
13 date as the Court determines, and you must supplement your answers as additional
14 information becomes known or available to you.

15 M. “Established Business Relationship” is defined in in 47 CFR § 64.1200(f)(5).

16 N. “telephone solicitation” is defined in 47 CFR § 64.1200(f)(15) and is the same as
17 “telephone solicit”.

18 O. “Outbound telephone call” is defined in 16 Code of Federal Regulations part §310.2.

19 P. “Seller” is defined in 47 CFR § 64.1200(f)(10).

20 Q. “Robocall” means a call with artificial or prerecorded voice regulated under 47 CFR
21 § 64.1200.

22 R. “Telemarketer” is defined in 47 CFR § 64.1200(f)(12).

23 S. “Telemarketing” is defined in 47 CFR § 64.1200(f)(13).

24 T. “Sellers” is plural of “Seller”.

U. “Subscription Account Number” is the Subscription Account Number assigned by the
Federal Trade Commission.¹

¹ <https://www.ftc.gov/business-guidance/resources/qa-telemarketers-sellers-about-dnc-provisions-tsr-0>

1 V. “Promote” means to advertise a product or service, encourage the consumption of a
2 product or service, to make aware the availability of a product or service, or otherwise
3 attempt to connect Sellers with people who might be interested in what the Seller is
4 offering to sell.

5 W. Transferring a call means adding another entity to an existing phone call involving
6 two or more parties.

7 X. “phone call transferred to a phone number you use” means when you were joined to
8 an existing phone call involving two or more parties.

9 Y. “inbound calls transferred to you” means any phone call transferred to a phone
10 number you use.

11 Z. “phone call involving phone number (972) 207-5749 was transferred to you” means
12 you were joined to an existing phone call involving two or more parties, and one of
13 those parties was using phone number (972) 207 5749.

14 AA. On RIL’s behalf or initiating calls on RIL’s behalf means you initiating calls or
15 you incentivizing others to initiate calls to (972) 207-5749 for the purpose of
16 encouraging the recipient to purchase services from Real Innovation Inc.

17 BB. “Subscription Account Number” means the Subscription Account Number
18 issued by the Federal Trade Commission.²

19 CC. “Patrick McNeal” is the Patrick McNeal of Dkt. 1-1 ¶175.

20 DD. “Agreement” and “Lead Provision Agreement” is the Lead Provision Agreement
21 referenced in RIL’s complaint against RMG, ¶3:

22 “On or around July 24, 2023, Defendant Richardson Marketing Group, LLC,
23 signed Lead Provision Agreement with Real Innovation, Inc.’s chief marketing

24 ² <https://telemarketing.donotcall.gov/profile/Create.aspx>

1 officer Chuck Hoskovec. Exhibit 1.”

2 and you responded “Paragraph 3: Admit” in your Answer as shown in Dkt. 41,
3 page 30.

4 EE. “Lead” or “Leads” has the same meaning as the words are used in the Lead
5 Provision Agreement.

6 FF. “Prior express consent “is permission from the current subscriber of a telephone
7 number, or permission from a non-subscriber customary user of a telephone
8 number, for an entity to initiate a call to the telephone number for the purpose of
9 encouraging the purchase of goods or services.

10 GG. “Consumer” means a person who purchases goods and services for personal use.

11 HH. "automatic dialing and announcing device" means a system which automatically
12 dials telephone numbers and transmits a recorded or artificial voice message
13 once a connection is made pursuant to Washington State RCW 80.36.400(1)(b).

14 II. “call centers” or “call center” means an entity that that initiates telephone
15 solicitation for the benefit of a different entity.

16 JJ. “all times relevant to this lawsuit” or “times relevant to this lawsuit” means the
17 years 2019, 2020, 2021, 2022, and 2024.

18 **NOTE**

19 **IF ANY REQUEST FOR ADMISSION IS OBJECTIONABLE, PLEASE CALL**
20 **OR EMAIL PLAINTIFF BEFORE OBJECTING, IN ORDER TO ATTEMPT TO**
21 **NARROW THE QUESTION OR AVOID THE OBJECTIONABLE PORTION OR**
22 **ASPECT.**

23 **REQUESTS FOR ADMISSION**

1 **ADMISSION NO. 36:**

2 Admit that during the times relevant to this lawsuit you instructed RMG not to comply with the
3 identification requirements in 47 C.F.R. § 64.1200(b).

4 **ANSWER:**

8 **ADMISSION NO. 37:**

9 Admit that during the times relevant to this lawsuit you instructed RMG not to comply with the
10 identification requirements in 47 C.F.R. § 64.1200(b) because you knew RMG was placing
11 illegal calls and you didn't want the recipients to know RMG was responsible for the calls.

12 **ANSWER:**

16 **ADMISSION NO. 38:**

17 Admit that during the times relevant to this lawsuit you instructed RMG not to comply with 47
18 C.F.R. § 64.1200(d)(4).

19 **ANSWER:**

1 **ADMISSION NO. 39:**

2 Admit that during the times relevant to this lawsuit you instructed RMG not to comply with the
3 identification requirements in 47 C.F.R. § 64.1200(d)(4) because you knew RMG was placing
4 illegal calls and you didn't want the recipients to know RMG was responsible for the calls.

5 **ANSWER:**

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9 **CERTIFICATE OF SERVICE**

10 I DECLARE that on December 1, 2024, I placed for delivery via Email, a true copy of the
11 foregoing "PLAINTIFF'S FIFTH REQUEST FOR ADMISSIONS" to:

12 info@richardsonmarketinggroup.net

13 jmauseth@mausethlegal.com

14 JKostov@mausethlegal.com

15 as the parties agreed.
16
17

18 _____
s/ Nathen Barton

Nathen Barton
4618 NW 11th Cir
Camas WA 98607
bluwind33@protonmail.com

Barton v Real Innovation Inc - New discovery requests and following up on previous requests

From N B <bluewind33@protonmail.com>
To R.M.G.<info@richardsonmarketinggroup.net>
Date Wednesday, August 28th, 2024 at 9:33 PM

Hello,

I have two new discovery requests. I didn't see responses for the discovery requests I gave on 7/25. I am not an attorney so can't give you legal advice, but you can see the rules for different discovery requests at

- https://www.law.cornell.edu/rules/frcp/rule_36
- https://www.law.cornell.edu/rules/frcp/rule_33
- https://www.law.cornell.edu/rules/frcp/rule_34

Nathen

Sent with [Proton Mail](#) secure email.

315.17 KB 2 files attached

8.28.2024 RMG Admissions 2.pdf 164.38 KB

8.28.2024 DR Admissions 2.pdf 150.79 KB