

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

MOTION FOR DEFAULT  
JUDGEMENT ON PLAINITFF’S  
CLAIMS AGAINST DERYCK D  
RICHARDSON

In theory telemarketers are only allowed to call with the consent of the called, and just how many people are asking for calls about final expense insurance? The telemarketing industry has a solution – buy fake leads generated from untraceable ‘opt ins’ from websites that don’t get any real traffic because they can’t be found from Google searches. Then hound those folks on the phone.

**Procedural History**

Peter Reiersen removed this case from Clark County Superior Court to this Court on 3/8/2024. Deryek Richardson accepted service of the summons and complaint on behalf of defendant Richardson Marketing Group LLC (“RMG”) (Dkt. 47, 2:3-4) and Mr. Richardson and filed a joint answer on 7/23/2024 (Dkt. 41). Mr. Richardson could not represent RMG and ultimately a default was entered against RMG on 9/18/2024. Dkt. 47. Eventually the Court granted judgment against RMG for telemarketing violations for \$130,900. Dkt. 70.

1 Mr. Richardson was responsive to Mr. Barton over email on July 25, 2024, but that was  
 2 the last or nearly the last Mr. Barton heard from Mr. Richardson. He did not answer discovery  
 3 requests or respond to requests for discovery conferences. Mr. Barton’s experience mirrored that  
 4 of Mr. Mauseth Dkt. 74 ¶¶ 2-4. Based on these representations the Court defaulted Mr.  
 5 Richardson on 9/19/2025 in Dkt. 85.

6 This motion for default judgment against Deryek Richardson follows. The basic process  
 7 for determining whether a default judgment should be entered is straightforward. Entry of  
 8 default means that the "factual allegations of the complaint, except those relating to the amount  
 9 of damages, will be taken as true." *Keating v. Frederick Debt Mgmt., LLC*, 2025 U.S. Dist.  
 10 LEXIS 169928, \*1, 2025 LX 377812, 2025 WL 2506125. Mr. Barton does not allege Mr.  
 11 Richardson personally dialed him, but that he is personally liable for RMG’s conduct for the  
 12 reasons outlined in *Hoffman v. Logan*, 2021 Wash. App. LEXIS 1808, 2021 WL 3144951. (“A  
 13 corporate officer is deemed to have “made” a call, and thus liable under the TCPA, if the officer  
 14 “had direct, personal participation in or personally authorized the conduct found to have violated  
 15 the statute.” . . . “Washington courts extend personal liability to corporate officers who  
 16 supervised, directed, or approved wrongful business conduct.”).

## 16 PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT 17 AGAINST DEFENDANT DERYCK D RICHARDSON

### 17 Question Presented

18 If the Court finds that Mr. Richardson had direct, personal participation in or personally  
 19 authorized RMG’s conduct found to have violated the telemarketing statutes in Dkt. 70, should it  
 20 hold Mr. Richardson personally liable for the damages in Dkt. 71?

### 21 Jurisdiction

22 Mr. Richardson was served the summons and complaint, and filed the Answer in Dkt. 41.  
 23 In his answer, he admitted to the jurisdiction of the Court in ¶28, admitted (¶30) he knew or  
 24

1 should have known they were calling a consumer located in Clark County of Washington State,  
2 and then admitted he did know, in ¶31.

- 3 • Thus, for many of the calls, Defendants knew or should have known they were calling a  
consumer located in Clark County of Washington State. Dkt 1-1/40 ¶30.
- 4 • And in fact they did know, Barton repeatedly told them in many calls that he resided in  
5 zip code 98607. Dkt 1-1/40 ¶31.

6 Further, by defaulting, Mr. Richardson admitted the following facts in Dkt. 1-1/40.

- 7 • Mr. Barton told Richardson’s call center dozens of times that his zip code was 98607.  
¶396.
- 8 • Mr. Barton told Richardson’s call center dozens of times that that he didn’t want the  
calls. ¶397.
- 9 • Mr. Richardson told his call center to keep calling. ¶398.

10 And Mr. Richardson’s Answer did not contest personal jurisdiction or service of process,  
11 waiving those defenses. See footnote 4 in *Cruz v. Cruz*, 2022 U.S. Dist. LEXIS 250252, 2022  
12 LX 46319, *Jacobs v. Garcetti*, 2024 U.S. Dist. LEXIS 23479, 2024 LX 32658, 2024 WL  
13 500073, and *Doe v. Coll. of E. Idaho*, 2024 U.S. Dist. LEXIS 30861, 2024 WL 710659.

#### 14 **Who is Mr. Richardson?**

15 Because Mr. Richardson didn’t participate in the legal process, we don’t have a  
16 deposition or other testimony to get a feel for him. But he did appear in the Troutman Firm’s  
17 *Deserve to Win* podcast, which according to YouTube ‘aired’ on March 20, 2023.<sup>1</sup> The Court  
18 has a copy of this episode on the provided USB drive in Dkt 90, Exhibit BAR0507. Mr.  
19 Richarson appears at about minute 27:17 to discuss a *different* TCPA lawsuit. We learn in the  
video that:

- 20 • RMG started in Mr. Richardson’s garage. 27:47.
- 21 • RMG is a lead broker. *I’m a sales guy*. 28:25.
- 22 • In 2019 he got tired of paying damages for illegal calls traced back to RMG. 30:11.
- 23 • RMG was blacklisted from Allstate and State Farm. 31:23. 51:26.
- RMG buys old lead data and sends that to an overseas call center. 33:55. 36:10. 38:20.  
40:55.

24 <sup>1</sup> This is in the Complaint. See Dkt. 40 ¶¶291-315.

- 1 • Mr. Troutman says overseas call centers are trouble makers. 37:08.
- 2 • If RMG was held accountable, Mr. Richardson intended to open up another LLC and set  
up shop doing the same thing. 44:45.
- 3 • If held personally liable, Mr. Richardson intends to file for bankruptcy and open the new  
LLC up in a buddy's name. 45:25.
- 4 • The lawsuit in the podcast led to a four-million-dollar Allstate settlement. 46:44.

5 **Mr. Richardson personally authorized RMG's conduct**  
6 **found to have violated the telemarketing statutes**

7 By defaulting, Mr. Richardson admitted to the factual allegations in the complaint. The  
8 complaint removed to this Court is shown in Dkt 1-1, and Dkt. 40 shows the identical copy  
9 served on Mr. Richardson.

- 10 • He knew he was making unwanted calls. Dkt. 1-1/40 ¶¶297-298.
- 11 • The calls were being made from his call center. ¶306.
- 12 • Mr. Richardson and RMG sent his call center the phone numbers to be called. ¶307.
- 13 • Mr. Richardson and RMG sent his call center the calling scripts. ¶308.
- 14 • Mr. Richardson and RMG instructed his call centers to not identify themselves. ¶309.
- 15 • Mr. Richardson and RMG instructed his call centers to not identify themselves. ¶310.
- 16 • Mr. Barton made many do not call requests that were ignored because Mr. Richardson  
17 instructed the call center to not take anyone out of their calling list. ¶311.
- 18 • Mr. Richardson publicly announced that if his business is found liable for placing illegal  
19 calls, he will shut that business down and start a new one doing the same thing. ¶358.
- 20 • Mr. Richardson publicly announced that if his business is found liable for placing illegal  
21 calls, he will shut that business down and start a new one doing the same thing under his  
22 brother's name. ¶359.
- 23 • Mr. Richardson frequently talks to his staff and agents about how to avoid catching  
24 lawsuits from the illegal warm transfers. ¶391
- Richardson knew or should have known because it was his call center that Barton told  
again and again and again that he didn't want the calls. ¶395.

- Mr. Barton told Richardson’s call center dozens of times that his zip code was 98607. ¶396.
- Mr. Barton told Richardson’s call center dozens of times that that he didn’t want the calls. ¶397.
- Mr. Richardson told his call center to keep calling. ¶398.

Beyond these admissions, Mr. Richardson was served Requests for Admissions to which he did not respond, deeming them admitted. See Dkt. 86 and the declaration in Dkt. 87.

**(972) Number**

9	<b><u>ADMISSION NO. 15:</u></b>	<b>Dkt 87-5 page 8</b>
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.	

1	<b><u>ADMISSION NO. 14:</u></b>	<b>Dkt 87-5 page 8</b>
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.	

9	<b><u>ADMISSION NO. 18:</u></b>	<b>Dkt 87-5 page 9</b>
10	Admit that you knew Barton had asked RMG to stop soliciting telephone number (972) 207-	
11	5749 in the year 2019 and you instructed RMG to ignore the request.	

2	<b><u>ADMISSION NO. 17:</u></b>	<b>Dkt 87-5 page 9</b>
3	Admit that you knew Barton had asked RMG to stop telephone soliciting (972) 207-5749 in the	
4	year 2020 and you instructed RMG to ignore the request.	

18 **ADMISSION NO. 16:**

**Dkt 87-5 page 8**

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.

4 **(469) Number**

5 1 **ADMISSION NO. 22:**

**Dkt 87-6 page 7**

6 2 Admit that you knew Barton had never consented to telephone solicitation calls from RMG at  
7 3 any telephone number and you instructed RMG to telephone solicit (469) 347 2139 anyway.

8 9 **ADMISSION NO. 23:**

**Dkt 87-6 page 7**

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

13 9 **ADMISSION NO. 26:**

**Dkt 87-6 page 8**

14 10 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the  
15 11 year 2021 and you instructed RMG to ignore the request.

16 1 **ADMISSION NO. 25:**

**Dkt 87-6 page 8**

17 2 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the  
18 3 year 2022 and you instructed RMG to ignore the request.

19 17 **ADMISSION NO. 24:**

**Dkt 87-6 page 7**

20 18 Admit that you knew Barton had asked RMG to stop telephone soliciting (469) 347 2139 in the  
21 19 year 2023 and you instructed RMG to ignore the request.

**Mr. Richardson knew Mr. Barton didn't want their calls**

17 **ADMISSION NO. 13:**

**Dkt 87-4 page 7**

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

**Automatic Dialing and Announcing Device**

16 **ADMISSION NO. 19:**

**Dkt 87-4 page 9**

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 (972) 207 5749 using  
19 an automatic dialing and announcing device anyway.

16 **ADMISSION NO. 27:**

**Dkt 87-6 page 8**

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.

**Mr. Richardson knew RMG was violating telemarketing law**

16 **ADMISSION NO. 38:**

**Dkt 87-8 page 7**

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 **ADMISSION NO. 39:**

**Dkt 87-8 page 8**

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

**Wash. Rev. Code. § 80.36.400**

1  
2 In Dkt. 70 starting at page 19, line 18, the Court properly awarded \$500 per call under  
3 Wash. Rev. Code. § 80.36.400(2), but the Court overlooked that in this earlier version of §  
4 80.36.400 said *[a] violation of this section is a violation of chapter 19.86 RCW. This implied the*  
5 **\$500 in damages was trebled under the CPA**, See *Barton v. J.M.S. Assoc. Mktg., LLC*, 2021 U.S.  
6 Dist. LEXIS 171409, 2021 WL 4124250 (“the Plaintiff has shown that he is entitled to treble  
7 damages under the CPA . . . he is entitled to treble damages”). Mr. Barton should be awarded  
8 \$1,500 for each of the 69 calls occurring before July 23, 2023, for a total of \$103,500.

**Treble Damages**

9 Mr. Barton asks that the damages under § 227(b) and § 227(c) be trebled in regards to  
10 Mr. Richardson’s liability. The Court denied treble damages in Dkt 70 with the explanation  
11 *Without any development of the record in this case, the Court does not know whether there are*  
12 *any facts that would support trebling the damages.* Dkt 70, 16:23-17:1. The facts developed  
13 above demonstrate that Mr. Richardson knew since 2019 that Mr. Barton didn’t want their calls,  
14 yet he instructed RMG to ignore Mr. Barton’s DNC requests and call him anyway.

15 RMG’s **first Google review** (in exhibit BAR0503 mailed to the court on the USD drive)  
16 demonstrates that Mr. Richardson’s company is known for most of their leads being wrong  
17 numbers (*police departments, YMCA, schools*) and the ordinary consumers yelling at their  
18 marketing team to stop calling). RMG replaced the leads with the same low quality, indicating  
19 the low quality leads is what RMG traffics in. In response to the first Google review, RMG  
20 replied that their own customer’s expectations were too high.

21 The **second Google review** (later in the same video) is from an insurance agency who had  
22 not been able to have *a meaningful conversation with a single lead from the list. They either*  
23 *hang up on us, ghost us, or STOPALL to our text messages. The ones who answer us say it’s the*  
24 *wrong number/person.* This was their experience from hundreds of RMG’s leads. RMG’s  
response was that *[a]ged leads is an interesting business. There are good leads in there, bad*

1 *leads in there, and leads that shouldn't be in there.* On this record, Mr. Barton asks that with  
 2 respect to the 47 U.S.C. § 227(b) damages of \$27,000 awarded in Dkt. 70, it be trebled against Mr.  
 3 Richardson to \$81,000. And the \$38,500 damages for 47 U.S.C. § 227(c) be trebled to \$115,500.

4 **Conclusion**

5 Mr. Richardson agreed that jurisdiction was proper in this Court, and that he himself knew  
 6 that the defendants were calling Mr. Barton at his location in Clark County, Washington State. Mr.  
 7 Barton need only prove that Mr. Richardson “had direct, personal participation in or personally  
 8 authorized the conduct found to have violated the statute”, and the facts developed above  
 9 demonstrate Mr. Richardson knew they were calling without Mr. Barton’s consent and  
 10 robocalling without Mr. Barton’s consent. **But for Mr. Richardson’s instructions that RMG call  
 11 Mr. Barton without consent, this lawsuit never would have happened.**

12 Mr. Barton asks the Court to hold Mr. Richardson responsible for the following damages:

Statute	Award
47 U.S.C. § 227(b)	\$81,000
47 U.S.C. § 227(c)	\$115,500
Wash. Rev. Code § 80.36.390(6)/(7)	\$14,900
Wash. Rev. Code § 80.36.390(9)	\$8,000
Wash. Rev. Code § 80.36.400	\$111,500
<b>GRAND TOTAL:</b>	<b>\$330,900</b>

17  
 18 October 2, 2025

19 

20  
 21 (Nathen Barton)

22 Nathen Barton  
 23 (360) 241 7255  
 24 4618 NW 11<sup>th</sup> Cir  
 Camas WA 98607  
[FarmersBranch2014@gmail.com](mailto:FarmersBranch2014@gmail.com)

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**I. CERTIFICATE OF SERVICE**

I hereby certify that on October 2, 2025, I electronically filed the foregoing with the Clerk of the Court using the Court’s CM/ECF 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 Defendant. The said Notice of Electronic Filing specifically identifies recipients of electronic notice.

/s/ Nathen Barton

Nathen Barton