

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ROBERT A. DOANE,

Plaintiff

v.

**PYTHON LEADS, LLC.,
JACQUELYN LEAH LEVINE,
ALI RAZA**

Defendants.

Civil Action No. 1:24-CV-12947-JEK

**FILED
IN CLERKS OFFICE
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U.S. DISTRICT COURT
DISTRICT OF MASS.**

**DEFENDANT JACQUELYN LEVINE'S
REPLY IN FURTHER SUPPORT OF MOTIONS TO DISMISS
AND IN OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE**

NOW COMES Defendant Jacquelyn Levine, and respectfully submits this reply in further support of her motions to dismiss for lack of personal jurisdiction and for failure to state a claim (ECF Nos. 6 and 8), and in opposition to Plaintiff's Motion to Strike (ECF No. 17).

I. INTRODUCTION

Plaintiff's Motion to Strike is procedurally improper and substantively meritless. While the Court granted Plaintiff until March 31, 2025, to respond to the motions to dismiss, Plaintiff elected not to file an opposition or a motion to amend. Instead, he filed a motion to strike Defendant's motions to dismiss under Rule 12(f) — a rule that, by its plain text and established interpretation in this Circuit, applies only to pleadings and not to dispositive motions.

II. MOTION TO STRIKE IS PROCEDURALLY IMPROPER

Plaintiff's reliance on Rule 12(f) is misplaced. Courts in the First Circuit and District of Massachusetts have consistently held that Rule 12(f) motions to strike may only be directed at pleadings, not motions. See, e.g., *Cabán Hernández v. Phillip Morris USA, Inc.*, 486 F.3d 1, 8

(1st Cir. 2007) ("Rule 12(f) does not authorize courts to strike motions, only pleadings.").

Defendant's motions to dismiss are not pleadings and thus are not subject to a motion to strike.

Plaintiff's failure to submit an opposition or otherwise respond to the legal arguments presented in Defendant's motions to dismiss should weigh against him.

III. JACQUELYN DID NOT EXPRESSLY CONSENT TO A MOTION TO STRIKE

While Defendant did not oppose Plaintiff's request for additional time to respond to the motions to dismiss — a professional courtesy given in the context of ongoing settlement discussions — she did not agree to any specific form of response, nor did she authorize or assent to a procedurally improper Rule 12(f) filing. Plaintiff's implication that the motion to strike was mutually contemplated is inaccurate.

The relevant correspondence from Plaintiff's counsel stated:

"Would you consent for an additional 14 days to respond to both of your motions so that we can continue settlement discussions? If so, we will prepare an assented-to motion."

Defendant replied:

"If after reading this proposal and conferring with your client, you still want to take a 14 day leave for us to discuss this further, I do not oppose it."

This agreement merely reflected a courtesy extension for response — not permission for a procedurally flawed motion.

IV. SETTLEMENT EVIDENCE AND DOUBLE COLLECTION

Plaintiff's own communications confirm that he previously settled these same alleged violations for \$18,500 with Final Expense Direct. That prior recovery renders his current claims against Ms. Levine and Python Leads impermissible under principles of double collection and unjust enrichment. Plaintiff has already received compensation for the alleged harm, and his

attempt to relitigate and recover again on identical facts is both abusive and legally impermissible.

Such tactics are precisely why courts have warned against serial TCPA litigation and opportunistic lawsuits that weaponize statutory damages. Allowing this case to proceed would reward duplicative recovery and would undermine the integrity of the judicial process.

V. PLAINTIFF'S MOTION TO STRIKE SHOULD BE DENIED

Because Rule 12(f) does not apply to dispositive motions, Plaintiff's motion is procedurally defective. Furthermore, it fails to engage with any of the substantive arguments raised in the underlying motions to dismiss. Instead, it represents a distraction from the core issues of jurisdiction and the legal sufficiency of Plaintiff's claims.

WHEREFORE, Defendant Jacquelyn Levine respectfully requests that the Court deny Plaintiff's Motion to Strike (ECF No. 17) in its entirety, and grant the previously filed motions to dismiss for lack of personal jurisdiction and for failure to state a claim (ECF Nos. 6 and 8).

Dated: March 31, 2025

Respectfully submitted,

/s/ Jacquelyn Levine
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via certified mail on March 31, 2025 to:

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/s/ Jacquelyn Levine
Jacquelyn Levine