

**UNITED STATES DISTRICT COURT
Western District of Texas
Austin Division**

THOMAS DOUGHTY, individually
and on behalf of the classes,

Plaintiff,

v.

BRIGHT SOLAR MARKETING,
LLC,

Defendant.

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CA No.: 1:24-cv-01190-DII

Class Action

Jury Demanded

**PLAINTIFF’S MOTION TO COMPEL DISCOVERY
AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff THOMAS DOUGHTY, hereby moves, pursuant to Federal Rules of Civil Procedure 26 and 37, and Local Rules CV-7 and CV-26, for an order compelling Defendant BRIGHT SOLAR MARKETING, LLC (“Bright Solar”) to provide complete Initial Disclosures, produce documents and ESI responsive to Plaintiff’s request for production, provide complete answers to Plaintiff’s interrogatories, and to supplement and amend its discovery responses, and in support thereof states:

I. Introduction

This case arises from Bright Solar’s violations of the Telephone Consumer Protection Act (“TCPA”) and the Texas Business and Commerce Code § 302.101 (“TBC”). Plaintiff alleges that Bright Solar placed unauthorized and unwanted telemarketing calls to him despite Plaintiff repeatedly requesting Bright Solar to stop calling him. Plaintiff has identified 137 telemarketing calls that were placed by or on behalf of Bright Solar. Am. Comp. ¶ 50. When Plaintiff spoke with Bright Solar’s agents, the callers said they were calling from “Bright Solar.” *Id.* ¶ 22 – 43.

II. Discovery at Issue in this Motion

- 1) Bright Solar’s Rule 26 Initial Disclosures served March 7, 2025. (Attached as **Exhibit 1**)
- 2) Bright Solar’s answers to Interrogatories served March 24, 2025. (Attached as **Exhibit 2**); and
- 3) Bright Solar’s responses to Request for Production served March 24, 2025. (Attached as **Exhibit 2**)

III. Summary of Issues and Discovery to be Compelled

Bright Solar has gone to great lengths to conceal its true identity and the legal entit(ies) involved with placing its telemarketing calls – both in the real world, and in this litigation.

For example, despite the callers stating they were calling from “Bright Solar,” a company called “Freedom Forever, LLC” (“Freedom Forever”) responded to Plaintiff’s pre-notice of the violations and stated that it had consent to contact Plaintiff. Freedom Forever did not respond to Plaintiff’s pre-suit request for evidence of the alleged consent or provide Freedom Forever’s relationship to Bright Solar. Am. Compl. ¶ 55. Instead, Plaintiff then received a telemarketing call directly from Freedom Forever. *Id.* 56. In responding to Plaintiff’s original Complaint, Bright Solar and Freedom took the legal and factual position that Plaintiff was improperly “lumping the two . . . together and treating them as one. *Defendants are entirely separate entities.*” See Bright Solar and Freedom’s Mot. to Dismiss [Doc. No. 5]. Given Bright Solar’s legal position, Plaintiff filed an Amended Complaint against Bright Solar only and served his initial discovery requests.

Now, Bright Solar has failed to substantively respond to a single discovery request or produce any documents or ESI based on its contention that Bright Solar has no employees, officers, directors, or operations, and that *it* did not place any calls to Plaintiff.

The undersigned counsel engaged a discovery conferral with Bright Solar’s counsel. Bright Solar, through counsel, does not dispute that “Bright Solar” is a subsidiary or related entity to Freedom Forever, and that it places calls to prospective leads it receives from a company called High Roller Marketing on behalf of Freedom Forever. Bright Solar places the calls to potential customers, and Freedom Forever provides the physical solar services. However, Bright Solar contends that another one of its affiliated “Bright Solar” legal entities places the calls, not the named Defendant entity, Bright Solar Marketing, LLC. Yet, Bright Solar refuses to identify the legal entity that it contends places its class, and it refuses to respond to discovery based on its contention that a different legal entity should be the named Defendant.

Initial Disclosures

Bright Solar’s Initial Disclosures are deficient. Bright Solar fails to identify the legal entity that placed the calls to Plaintiff, the legal entity on whose behalf the calls were placed, and the legal entity of the company it refers to as High Roller Marketing. Bright Solar did not even identify itself in its Initial Disclosures. Instead, Bright Solar listed a purported company called “Freedom Solar Services dba Bright Solar Marketing,” and stated its contact information as “Freedom Forever’s counsel.”

Bright Solar should be compelled to serve full and complete initial disclosures that identify the legal entity that placed the calls, the legal entity on whose behalf the calls were placed, and the legal entity of the company it refers to as High Roller Marketing.

Answers to Interrogatories

Bright Solar failed to substantively respond to Plaintiff’s interrogatories based on its contention that “it” didn’t place the calls and that a different entity should be the named Defendant.

Bright Solar even failed to answer a basic interrogatory asking for the name of the company who placed the calls (*See* Interrog. No. 4).

Bright Solar should be compelled to provide full and complete interrogatory answers to all of Plaintiff's interrogatories because the information sought is within its knowledge, possession, custody, and control irrespective of the named legal entity Defendant.

Request for Production

Bright Solar also failed to substantively respond to Plaintiff's request for production based on its contention that a different entity should be the named Defendant because "it" didn't place the calls.

Bright Solar should be compelled to provide full and complete responses to Plaintiff's document and ESI requests, and a complete production, because the documents and information sought are within its knowledge, possession, custody, and control irrespective of the named legal entity Defendant.

IV. The Discovery Sought is Within Bright Solar Marketing, LLC's knowledge, possession, custody, and control.

Bright Solar, Freedom Forever, Freedom Solar, and (likely) High Roller Marketing are effectively the same business.

First, Freedom Forever responded to Plaintiff's pre-suit notice letter sent to Bright Solar. This demonstrates that the calls were placed for or on behalf of Freedom Forever, that Bright Solar and Freedom Forever are associated companies, that an agency relationship exists between them, and that the "consent" that Freedom Forever claims it had was the basis for its and/or Bright Solar's mistaken belief that they were not required to honor Plaintiff's do not call requests.

Second, Bright Solar's website states that it is operated by "Freedom Solar." Am. Compl. ¶ 64

Third, investigation has revealed that both Bright Solar and Freedom Forever have been the subject of prior (and on-going) TCPA litigation involving them sending unwanted telemarketing calls, further demonstrating a joint common practice of continued and on-going violations.

Fourth, it is not disputed a “Bright Solar” entity placed the calls – the named Defendant just refuses to provide the name as shield to complying with its discovery obligations.

Fifth, Bright Solar’s litigation counsel is the same counsel for “Freedom Solar Services,” “Freedom Forever,” and “High Roller Marketing” – the businesses identified in Bright Solar’s Initial Disclosures.

Sixth, as part of the parties’ conferrals, Bright Solar produced the purported consent it believes it had. Although Plaintiff disputes the validity of the consent provided because Plaintiff received 44 calls from Bright Solar prior to the date of the alleged consent, among other reasons, for purposes of this motion, it demonstrates possession, custody, and control over the discovery sought in this case.

“In the context of Fed. R. Civ. P. 34(a), so long as the party has the legal right or ability to obtain the documents from another source upon demand, that party is deemed to have control.” *Moretti v. Hertz Corp.*, No. CV 14-469-LPS, 2018 WL 4693473, at *1 (D. Del. Sept. 30, 2018) (citing *Mercy Catholic Med. Ctr. v. Thompson*, 380 F.3d 142, 160 (3d Cir. 2004).

V. The General Categories of Documents and Discovery Sought.

The below information is proportionate and relevant to the showings Plaintiff must make for his individual claims, and under Fed. R. Civ. P. 23 in his forthcoming motion for class certification. Plaintiff seeks data and call records for his own calls and account, and data pertaining to individuals that requested that Defendant stop calling but continued to receive calls.

- a. **Identity of witnesses and legal entities** with knowledge of facts related to the subject claims and defenses, including knowledge of calls made to plaintiff and class members, call campaigns during relevant period, consent, TCPA compliance practices, and prior complaints.

Discovery at-issue:

Initial Disclosures

Interrogatory: 4, 17

Request for Production: 63

Pursuant to Local Rule CV-33(b)(1) & (4), this information is per se discoverable and not subject to objections, except upon a showing of exceptional circumstances.

- b. **Outgoing Call campaigns** - The manner in which outbound call campaigns were performed by or on behalf of Bright Solar during the relevant time period. The manner in which lists of consumer telephone numbers are obtained. The manner in which prior consent was allegedly obtained to place calls and how records were created to memorialize the provision of this consent.

This data is proportionate to a significant common issue and common defense, and to the identification of class members.

Discovery at-issue:

Interrogatory: 3, 5, 6, 7, 8, 10, 11, and 16

Request for Production: 6, 7, 11, 12, 15, 16, 23, 41, 43, and 50

- c. **Call lists** that identify all outgoing calls that are the subject of this action. The manner in which these lists are maintained, queried, and produced. For example, identifying and describing the use of calling platforms and customer relation management software (“CRM”). The relevant metadata that exists for Call lists, including date, time, call duration, and recordings for accounts/individuals that asked to no longer be called, like Plaintiff, and records of the calls placed to these individuals after their requests not to be called.

Discovery at-issue:

Initial Disclosures

Interrogatory: 1, 6, and 8

Request for Production: 1, 14, 17, 18, 24, 25, 26, 27, 28, 49, 51, 52, 53, 54, 55, 56, 57, 58, and 59

- d. **Defendant’s Records**

1. **Agreements and Contracts** between Bright Solar, Freedom Forever, Freedom Solar, and/or High Roller Marketing, and any call center or vendor involved with the call campaign, and relating to the provision of marketing services and placing outbound marketing calls or lead generation for or on behalf of Bright Solar.
2. **E-mails and other communications** from, by, or between Plaintiff, Bright Solar, Freedom Forever, Freedom Solar, and/or High Roller Marketing, and any other call center or vendor involved with placing outbound marketing calls or lead generation for or on behalf of Bright Solar regarding the Plaintiff, alleged TCPA complaints or violations, TCPA compliance, and/or do-not-call policies and procedures.

Discovery at-issue:

Initial Disclosures

Request for Production: 3, 4, 5, 8, 9, 10, 29, 30, 31, 32, 33, 42, 45, and 46

- e. **CRM Reports and/or call/consent records/details** showing call activity to Plaintiff and class members, any evidence of consent, do-not-call requests, and call notes, including call recordings.

Discovery at-issue:

Initial Disclosures

Interrogatory: 1, 6, 7, 8, 9, 10, and 16

Request for Production: 1, 7, 10, 11, 12, 13, 14, 17, 18, 24, 25, 26, 27, 28, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 66

- f. **Defendant's ESI Systems, information systems, and other database systems** - ESI related to schemas, fields, layout, databases, or other data showing the fields and categories of Call Details and consumer information available.

Discovery at-issue:

Initial Disclosures

Interrogatory: 1, 10, and 12

Request for Production: 2, 15, 47, and 48

- g. **Defendants' knowledge of the TCPA, policies and procedures, and Complaints, including pre-suit notices and informal complaints** received by, mentioning, or involving Bright Solar, Freedom Forever, Freedom Solar, and/or High Roller Marketing, and any other call center or vendor involved with placing outbound

marketing calls or lead generation for or on behalf of Bright Solar (relevant to knowledge, willfulness, control, ratification – issue of agency).

Discovery at-issue:

Interrogatory: 13, 14, and 15

Request for Production: 20, 21, 22, 23, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 60, 61, 62, 69, and 70

VI. LEGAL STANDARD

Federal Rule of Civil Procedure 26(b) allows a party to obtain discovery “regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). Relevant information includes “any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978); *Starling v. KeyCity Cap., LLC*, No. 3:21-CV-818-S, 2022 WL 198403, at *3 (N.D. Tex. Jan. 21, 2022). Rule 26(b)(1) of the Federal Rules of Civil Procedure defines the scope of discovery:

Parties may obtain discovery regarding **any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case**, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

Fed. R. Civ. P. 26(b)(1).

Plaintiffs seeking to certify a class must make certain showings under Rule 23(a): (1) numerosity, (2) commonality of issues, (3) typicality of the class representatives' claims in relation to the class, and (4) adequacy of the class representatives and their counsel to represent the class. *Ahmad v. Old Republic Nat'l Title Ins. Co.*, 690 F.3d 698, 702 (5th Cir. 2012) (citing Fed.

R. Civ. P. 23(a)); *Starling v. KeyCity Cap., LLC*, No. 3:21-CV-818-S, 2022 WL 198403, at *3 (N.D. Tex. Jan. 21, 2022). “Rule 23 does not set forth a mere pleading standard. [The Plaintiff] must affirmatively demonstrate [its] compliance with the Rule.” *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011). Rule 23(a) authorizes a member of a class of plaintiffs to sue as a representative of the class if certain requirements, “commonly referred to as numerosity, commonality, typicality, and adequacy of representation,” are met. *Little v. T-Mobile USA, Inc.*, 691 F.3d 1302, 1304 (11th Cir. 2012) (internal quotation and citation omitted). Implicit in Rule 23(a) is that a proposed class be “adequately defined and clearly ascertainable.” *Id.* at 1304. The party seeking class certification “must . . . satisfy through evidentiary proof at least one of the provisions of Rule 23(b).” *Comcast Corp. v. Behrend*, 569 U.S. 27, 33 (2013).

The elements of Plaintiff’s “TCPA claim[s] determine[] the scope of relevant discovery, pursuant to Rule 26(b)(1).” *Bellenger v. Accounts Receivable Mgmt.*, 2019 U.S. Dist. LEXIS 153672, *7, 2019 WL 4284070 (S.D. Fla. September 10, 2019).

District courts, however, routinely permit precertification discovery of call lists and call data in TCPA class actions. *See, e.g., Starling v. KeyCity Cap., LLC*, No. 3:21-CV-818-S, 2022 WL 198403, at *4 (N.D. Tex. Jan. 21, 2022); *Thomas v. Fin. Corp. of Am.*, No. 3:19-cv-152-E-BK, 2019 WL 5157022, at *2 (N.D. Tex. Oct. 10, 2019) (finding information regarding call lists and call data in putative TCPA class action was relevant and proportional to class certification issues such as numerosity, commonality, and typicality); *Warren v. Credit Pros Int’l Corp.*, No. 3:20-cv-763-TJC-MCR, 2021 WL 3552254, at *8 (M.D. Fla. Apr. 26, 2021) (“Plaintiff is also entitled to receive—prior to class certification—the documents and information related to the call logs, transmission summaries, outbound call lists, and the information contained therein bearing on Defendant’s communications with the putative class members”); *Johnson v. Moss Bros. Auto*

Group, Inc., No. 5:19-cv-2456-FMO-SP, 2020 WL 6565315, at *7 (C.D. Cal. Sept. 14, 2020) (holding plaintiff in putative TCPA class action “entitled to some class-wide discovery” at precertification stage and finding call logs, dial lists, and other documents concerning prerecorded messages relevant to issues of numerosity and commonality); *Medina v. Enhanced Recovery Co., LLC*, No. 2:15-cv-14342, 2017 WL 5196093, at *3 (S.D. Fla. Nov. 9, 2017) (“Outbound call lists are relevant in TCPA class actions to establish the numerosity and commonality requirements for class certification under Rule 23, as well as to prove the merits of Plaintiffs' claims.”); *Doherty v. Comenity Capital Bank*, No. 3:16-cv-1321-H-BGS, 2017 WL 1885677, at *4 (S.D. Cal. May 9, 2017) (finding “outbound dial lists are relevant to establish the issues of numerosity and commonality under Federal Rule of Civil Procedure 23(a) and are therefore discoverable.”).

VII. Conclusion

Based on the foregoing, Plaintiff requests that the Court compel Defendant to provide amended Initial Disclosures and discovery responses, and to fully respond to discovery and provide a complete production. This discovery is proportionate and important given the issues in the case, including but not limited to, for the purpose of ensuring the appropriate legal entities are named as defendants.

At a bare minimum, the Court should compel Defendant to fully identify all legal entities involved with the transmission of the subject calls, including the Bright Solar entity that placed the calls, and all records, call details, CRM reports, call notes, communications, and any other ESI related to Plaintiff and/or his telephone number, at this stage of the proceeding.

CERTIFICATION OF GOOD FAITH CONFERRAL PURSUANT TO LOCAL RULE

Undersigned Plaintiff’s counsel certifies that he has conferred with Defendant’s counsel in good faith regarding the issues presented in this Motion. Defendant’s position is that it is premature to engage in discovery until the pleadings are closed. Defendant also disagrees with Plaintiff’s “control” argument regarding its duty to provide information and produce documents and ESI that may be in the technical possession of its related, affiliated, or associated companies.

Dated: April 28, 2025

/s/ Joshua H. Eggnatz

Joshua H. Eggnatz, Esq.

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Designated as Lead Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April 2025 I electronically filed the foregoing document with the Clerk of Court for the United States District Court for the Western District of Texas and served a true and correct copy thereof on all counsel of record using the CM/ECF System.

/s/ Joshua H. Eggnatz
Joshua H. Eggnatz

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Counsel for Defendant

EXHIBIT

1

Mr. Doughty is likely to have knowledge of the allegations contained in the Complaint, the circumstances giving rise to this lawsuit, and his alleged damages.

(2) Any other person that has, or had, access to Plaintiff's device.

(3) Ari McFarland – Director, Contact Centers – Freedom Solar Services dba Bright Solar Marketing
c/o Freedom Forever's counsel

Ms. McFarland may have discoverable information concerning Plaintiff's claims and BSM's defenses to those claims.

(4) Jack Brooks – Director, Marketing & Advertising – High Roller Marketing
c/o Defendant's counsel

Mr. Brooks may have discoverable information concerning Plaintiff's claims and Defendant's defenses to those claims.

(5) Any persons listed by Plaintiff.

BSM further states there may be additional witnesses upon whom BSM may rely to support its claims and defenses who are unknown to BSM at this time. Further, those individuals listed above may have information on subjects in addition to those noted above. BSM reserves the right to amend this disclosure as further information becomes available.

2. Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information.

RESPONSE: Discovery has just begun in the case and, moreover, BSM has not yet filed its answer to the operative Complaint. Accordingly, BSM does not have all information sufficient to list all documents responsive to this category. Nevertheless, with that qualification, BSM identifies the following:

- (1) Documents related to Plaintiff, particularly documents demonstrating any consent by Plaintiff to the events he now claims violated the Telephone Consumer Protection Act.
- (2) Documents in Plaintiff's possession.
- (3) Documents that may be relevant to any defenses BSM may assert in this case.
- (4) Any and all documents identified by Plaintiff.
- (5) Any and all documents needed for rebuttal or impeachment.

3. In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under Fed. R. Civ. P. 34.

RESPONSE: BSM is not seeking damages at this time, but reserves the right to do so.

4. Attach for inspection and copying as under Fed. R. Civ. P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE: Not applicable.

DATED: March 7, 2025.

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Attorneys for Defendant, Bright Solar Marketing, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2025, I electronically served the foregoing on the following counsel of record:

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By: s/ Barry Goheen
Barry Goheen

EXHIBIT

2

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THOMAS DOUGHTY, individually and on)	
behalf of the classes,)	
Plaintiff,)	
vs.)	Case No. 1:24-cv-01190-DII
)	
BRIGHT SOLAR MARKETING, LLC,)	
Defendant.)	

**OBJECTIONS AND RESPONSES OF DEFENDANT BRIGHT SOLAR MARKETING
LLC TO PLAINTIFF’S FIRST SET OF DISCOVERY REQUESTS**

COMES NOW Defendant, Bright Solar Marketing LLC (“BSM”), by and through its undersigned attorneys of record, and submits its Objections and Responses to Plaintiff’s First Set of Discovery Requests (“Discovery Requests”).

OBJECTIONS TO PLAINTIFFS’ DEFINITIONS AND INSTRUCTIONS

BSM makes the following objections to the Discovery Requests in response to the instructions and definitions provided by Plaintiff. To the extent this is not made clear below, the below objections apply and limit BSM’s responses to each Discovery Request.

1. BSM objects to each one of Plaintiff’s instructions to the extent the instruction imposes obligations beyond those required under the Federal Rules of Civil Procedure, the Local Rules of the Western District of Texas, the Court’s order(s), or other applicable authority.
2. BSM objects to the Discovery Requests as premature. BSM has a pending Rule 12 motion and, as such, has not yet filed an answer to the operative Complaint. Accordingly, issues have not been joined in this case, and it is premature for BSM to respond to the Discovery Requests. By responding to any of the Discovery Requests herein, BSM is not waiving any objection that the Discovery Requests, or any particular Discovery Request, are premature.
3. BSM objects to the Discovery Requests to the extent any Discovery Request focuses solely on the merits of Plaintiff’s claims and not on issues pertaining to class certification. In

proposed class actions, discovery prior to the decision on class certification should be strictly controlled to focus on issues related to class certification. As such, BSM is not under an obligation to respond to Discovery Requests that do not pertain to the question whether a class should be certified in this case. By responding to any of the Discovery Requests herein, BSM is not waiving any objection that the particular Discovery Request does not pertain to class certification-related issues.

4. BSM objects to the definitions of “Defendant,” “Bright Solar,” and “You” to the extent that these definitions encompass individuals or entities not named in the lawsuit. For example, the proposed definitions purport to include “officers, directors, members, employees, agents, operators, representatives, attorneys, and/or any and all persons acting our purporting to act on its behalf,” as well as “any predecessor, successor, or related entities that may be in possession of discoverable information.” BSM further objects to the term “related entities” as vague and ambiguous, as Freedom Forever has no idea what that term is intended to mean. BSM has no obligation to respond to Discovery Requests or produce documents within the possession, custody, or control of other individuals or entities not named in the lawsuit.
5. To the extent BSM agrees to produce any documents, BSM will produce responsive documents only upon the entry of a mutually agreeable protective order.

RESPONSES TO INTERROGATORIES

1. Did You or did someone on Your behalf (including present or former contractors, vendors, agents, officers and/or employees) place a telephone call to the telephone number of Plaintiff or any person with the Telephone Number? If so, how many calls were placed and describe what records You consulted and procedures You undertook to enable You to answer “yes” to this interrogatory.

ANSWER: No.

2. Were the calls placed to Plaintiff’s Telephone Number for the purpose of promoting a business, goods and/or services? If not, why did You or someone on Your behalf call the Telephone Number?

ANSWER: See Response to Interrogatory #1.

3. Please describe the factual circumstances that led to the call or calls to Plaintiff’s Telephone Number, including how the Telephone Number was acquired or derived (e.g., from a bulk purchase of telephone numbers; from FOIA requests, skip tracing, or obtaining telephone numbers from public sources, such as police reports or court documents, or through Your or Your vendor’s directory-assisted random-digit telephone

samples; using computerized lists; and random-digit-dialing (RDD) or some similar process).

ANSWER: See Response to Interrogatory #1.

4. Please state the full name, employer, most current business location address, job title and job description of the person (including present or former contractors, vendors, agents, officers and/or employees) placing the telephone call or calls identified in interrogatory no. 1.

ANSWER: See Response to Interrogatory #1.

5. Please state the facts and documents You are aware of reflecting or evidencing that Plaintiff or anyone else provided prior express written consent to Defendant to receive telephone calls on Plaintiff's Telephone Number.

ANSWER: Because BSM did not make any telephone calls to Plaintiff, it has no facts or documents concerning prior express written consent.

6. Please state the date of all telephone calls placed to Plaintiff's Telephone Number and please Identify the equipment and the software programs associated with each call.

ANSWER: BSM objects to this Interrogatory as vague and ambiguous in requesting a date for "all" telephone calls placed to Plaintiff's Telephone Number without regard to the person or entity making the alleged calls. Subject to and without waiving those objections, BSM states that it did not place any "telephone calls" to Plaintiff's Telephone Number and, therefore, has no information responsive to this Interrogatory.

7. Please state the telephone numbers and caller IDs assigned to each piece of equipment used by Defendant or its marketers, sales representatives, agents, contractors or vendors to place telephone calls to Plaintiff and Class Members. This interrogatory includes equipment used to place the telephone calls to Plaintiff's Telephone Number.

ANSWER: See Response to Interrogatory #1.

8. Please state the total number of outbound telephone calls placed to telephone numbers during the Relevant Time Period that Defendant's employees, marketers, sales representatives, contractors, vendors, related companies, and/or agents placed for the purpose of contacting potential customers relating to Defendant or products or services of Defendant or that Defendant promotes, including to each of the respected Classes.

ANSWER: BSM objects to this Interrogatory as vague and ambiguous in its use of the undefined term “related companies,” which is susceptible to multiple meanings and renders the Interrogatory incapable of an appropriate response. Subject to and without waiving these objections, and as BSM understands this Interrogatory, BSM directs Plaintiff to its response to Interrogatory #1.

9. With respect to the telephone calls counted in Your response to interrogatory number 8, please state whether or not You or Your employees, marketers, sales representatives, contractors, vendors had prior express written consent from said persons to receive calls, and provide the total number of outbound telephone calls for which You have facts or evidence reflecting prior written express consent for Defendant to place telephone calls on his or her telephone number.

ANSWER: BSM objects to this Interrogatory as overly broad and unduly burdensome. Specifically, consent is an individualized issue that cannot be assessed at the general level this Interrogatory assumes. Only by assessing each individual interaction involving a potential customer can the issue of consent be fully understood and analyzed. Subject to and without waiving its objections, BSM directs Plaintiff to its response to Interrogatory #1.

10. With respect to the telephone calls counted in Your response to interrogatories numbers 8 and 9, please identify the computer servers, desktops [sic] computers, the computer software, and the Databases (e.g. relational, SQL, etc...) utilized to retrieve the requested information for each interrogatory and describe the search methods used to retrieve the requested information for each interrogatory.

ANSWER: Because BSM has no employees, computer software, computer equipment, and did not make any calls to Plaintiff, it has nothing it would rely upon to answer Interrogatory Nos. 8 and 9, and otherwise BSM directs Plaintiff to its response to Interrogatory #1.

11. With respect to each outbound telephone call counted in Your response to interrogatory number 8, please describe how the telephone number called was acquired or derived (e.g., from a bulk purchase of telephone numbers; from FOIA requests, skip tracing, or obtaining telephone numbers from public sources, such as police reports or court documents, or through directory-assisted random-digit telephone samples; using computerized lists; and random-digit-dialing (RDD) or some similar process).

ANSWER: See Response to Interrogatory #1.

12. With respect to the outbound telephone calls counted in Your numerical responses to interrogatories 8 and 9, please state whether or not information regarding a potential

customer is searchable or retrievable via computer, or any other electronically stored information, including information regarding his or her telephone number, his or her name, the date a telephone call was placed to the person, the time a telephone call was placed to the person, and whether the telephone call was manually sent or sent using in whole or in part an Automatic Telephone Dialing System. As part of Your response, please identify the computer equipment (including servers and desktop computers), the computer software, and the Databases (e.g. relational, SQL, etc...) and search methodologies and queries utilized to search and retrieve the information.

ANSWER: See Responses to Interrogatory #1 and Interrogatory #10.

13. Please describe Your procedures and Your efforts used to ensure that compliance with the TCPA and TCPA-related regulations, and industry guidelines, including Do-Not-Call registry compliance and internal Do-Not-Call compliance, for placing telephone calls.

ANSWER: Because BSM does not make “telephone calls,” it has no need for such procedures.

14. Identify the person or persons employed by or otherwise associated with Defendant responsible for receiving, maintaining, investigating, and responding to consumer complaints regarding the TCPA and Internal Do-Not-Call compliance, and/or its marketing practices.

ANSWER: BSM objects to this Interrogatory on the basis that it is vague and ambiguous in its use of the undefined term “associated with Defendant,” which is susceptible to multiple meanings and, therefore, renders the Interrogatory incapable of an appropriate response. Subject to and without waiving its objections, BSM states that because BSM does not have any employees, the answer is none.

15. Describe in detail the circumstances of each investigation, disciplinary action, termination, and legal action (civil, criminal, or administrative) related to consumer complaints regarding the TCPA or Defendant’s telemarketing practices and identify all case names and numbers, and Defendant’s employees or agents associated with such legal actions, investigations, disciplinary actions or terminations. This interrogatory is limited to the last five years.

ANSWER: BSM objects to this Interrogatory on the basis that it is vague and ambiguous in its use of the undefined term “consumer complaints,” which renders the interrogatory incapable of an appropriate response. BSM further objects to this Interrogatory on the basis that it is overly broad, unduly burdensome, and is not calculated to lead to the discovery of admissible evidence. Specifically, any persons who have been the subject of “investigations, disciplinary actions or terminations” have no relation to Plaintiff’s claims in this lawsuit. Moreover, “consumer

complaints” – whatever Plaintiff means by that vague and undefined term – concerning “telemarketing practices” potentially embrace issues that are not alleged in Plaintiff’s Complaint and, therefore, have no relevance to the allegations in this case. BSM further objects to the timeframe of this Interrogatory, as it requests information going back five years even though the statute of limitations under the TCPA is four years. Accordingly, for the reasons stated, BSM is unable to provide a response to Interrogatory #15.

16. Identify the principal and material facts which you contend establish that you had consent to place the each of the Subject Phone Calls to Plaintiff and Phone Calls to the potential Class Members.

ANSWER: BSM objects to this Interrogatory as overly broad and unduly burdensome. Specifically, consent is an individualized issue that cannot be assessed at the general level this Interrogatory assumes. Only by assessing each individual interaction involving a potential customer can the issue of consent be fully understood and analyzed. Subject to and without waiving its objections, BSM directs Plaintiff to its response to Interrogatory #1.

17. Describe with specificity your relationship with Freedom Forever, LLC, including the principal and material facts as to how and why Freedom Forever, LLC responded to Plaintiff’s pre-suit notice letter that was sent to Defendant.

ANSWER: Subject to and without waiving its objections, BSM states that Freedom Forever, LLC, is the parent company of Bright Solar Marketing, LLC, the named Defendant in this case. Because Bright Solar Marketing, LLC has no employees or operations of its own, its parent company, Freedom Forever, LLC, responded to the alleged pre-suit notice letter.

RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

1. Documents, including Call Details, relating to telephone calls placed to the Telephone Number of Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

2. Documents, including screen shots of all databases, computer systems, CRM software interfaces, regarding, involving, mentioning, or pertaining to Plaintiff or any person with Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

3. All communications, including internal communications, e-mails, chats, or logs regarding, involving, mentioning, or pertaining to Plaintiff or any person with Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

4. All documents and information pertaining to the named Plaintiff, including any documents or communications provided to you, or exchanged between you, and any third party or the Plaintiff, including Freedom Forever, LLC.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

5. All documents and communications exchanged between you and Freedom Forever, LLC regarding, discussing, or pertaining to Plaintiff's Telephone Number or Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

6. Documents showing the reasons why Defendant placed telephone calls to the Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

7. Documents showing how Defendant acquired Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

8. Any and all documents that refer to, that were directed to, or that were received from, Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

9. Any and all documents that reflect written communications with Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

10. Documents reflecting that Plaintiff solicited telephone calls from Defendant to Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

11. Documents reflecting that Plaintiff provided prior express written consent or prior express consent to Defendant to receive telephone calls on Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

12. Documents reflecting that Plaintiff has had a prior existing business relationship with Defendant, that Plaintiff previously utilized the goods or services of Defendant, or that Defendant previously interacted with Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

13. Documents reflecting that all telephone [sic] placed to Plaintiff's Telephone Number had prior express consent to place such telephone calls.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

14. Call Detail records/logs for all telephone calls placed to and received by Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

15. Documents describing the software used to call or that assisted in the calling of Plaintiff's Telephone Number, for purposes relating to Defendant's business.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

16. Documents stating the identity of the owner or subscriber for each of the telephone numbers that placed a call to Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

17. Documents showing all Call Details, including in-bound and out-bound telephone calls, pre-written telephone calls, for Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

18. Documents showing all Call Details, including in-bound and out-bound telephone calls, pre-written telephone calls, for each of the telephone numbers that placed a call to Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

19. Documents showing your calling bills and calling history, by month and calls placed and received for each of the telephone numbers that placed a call to Plaintiff's Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

20. Documents reflecting Your policies and procedures relating to the calling of Defendant's prior customers or telephone numbers of potential customers, including any policies and procedures, sales scripts, memoranda, or instructions of any kind provided to, or exchange between, any third-party marketer, vendor, or sales representative or agent of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

21. Documents reflecting Your policies and procedures relating to the number of times You call potential customers until You deem a customer uninterested in your products or services.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

22. Documents reflecting Your policies and procedures relating to the maximum or minimum number of times You call potential customers on a daily basis, weekly basis and monthly basis to solicit potential customers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

23. Documents that refer or relate to instructions You provide your employees or agents that place telephone calls on your behalf soliciting your products and services to potential customers that refer or relate to calling strategies, sales tactics, sales methods and similar information.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

24. Records of all telephone calls placed by or on behalf of Defendant during the Relevant Time Period to potential customers, including records identifying the number of calls placed by any third-party marketer, vendor, related company, or sales representative or agent of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

25. Records of all telephone calls placed by or on behalf of Defendant during the Relevant Time Period to potential customers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

26. Records identifying all leads or customers acquired by or on behalf of Defendant during the Relevant Time Period due to sales calls placed by any third-party marketer, vendor, or sales representative or agent of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

27. Records identifying all leads or customers acquired by or on behalf of Defendant during the Relevant Time Period due to sales calls placed by Defendant's call centers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

28. Records identifying all leads or customers acquired by or on behalf of Defendant during the Relevant Time Period due to sales calls placed by Defendant's agents, employees, and or third-party lead generators.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

29. All communications, e-mails, contracts, agreements, invoices, billing records, lead lists or lead information regarding or pertaining to the named Plaintiff, including all documents and information provided to, or exchanged between, Defendant and any entity regarding the named Plaintiff.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

30. All communications, e-mails, and other documents sent to or from Steven Wysong regarding or pertaining to the named Plaintiff, including all documents and information provided to, or exchanged between, Defendant and any entity regarding the named Plaintiff.

ANSWER: BSM objects to this Request on the basis that it seeks documents from a non-party to the case. Mr. Wysong is not an employee of BSM. Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

31. All communications, e-mails, and other documents sent to or from stwysong@freedomforever.com regarding or pertaining to the named Plaintiff, including all documents and information provided to, or exchanged between, Defendant and any entity regarding the named Plaintiff.

ANSWER: BSM objects to this Request on the basis that it seeks documents from a non-party to the case. Mr. Wysong is not an employee of BSM. Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

32. All communications, e-mails, and other documents sent to or from stwysong@freedomforever.com regarding or pertaining to alleged TCPA violations, unwanted calls, or telemarketing complaints.

ANSWER: BSM objects to this Request on the basis that it seeks documents from a non-party to the case. Mr. Wysong is not an employee of BSM. Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

33. All communications, e-mails, and other documents sent to or from legal@freedomforever.com regarding or pertaining to the named Plaintiff, including all documents and information provided to, or exchanged between, Defendant and any entity regarding the named Plaintiff.

ANSWER: BSM objects to this Request on the basis that it seeks documents from a non-party to the case. Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

34. All communications, e-mails, and other documents sent to or from legal@freedomforever.com regarding or pertaining to alleged TCPA violations, unwanted calls, or telemarketing complaints.

ANSWER: BSM objects to this Request on the basis that it seeks documents from a non-party to the case. BSM further objects to this Request as vague and ambiguous on the basis that the undefined terms “unwanted calls” and “telemarketing complaints” are susceptible to multiple interpretations and, therefore, render the Request incapable of a proper response. Subject to and without waiving these objections, BSM states that because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

35. Documents reflecting Your procedures and Your efforts used to ensure compliance with the TCPA, and TCPA-related regulations for telephone calls made by you or on your behalf, whether made by you directly or through the use of third parties.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

36. Documents reflecting Your procedures and Your efforts used to ensure that calls are not placed to customers or potential customers who have requested to no longer be contacted by you or on your behalf, whether made by you directly or through the use of third parties.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

37. Documents reflecting Your procedures and Your efforts to ensure compliance with industry guidelines for placing telephone calls to cellular telephones or cellular telephone numbers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

38. Copies of memoranda, policies, procedures, guidelines, e-mails, notes, presentations, handouts, seminar or conference materials Your employees received or have been in possession of that in whole or part discuss TCPA, Do-Not-Call registry, internal Do-Not-Call compliance or guidelines on calling cellular telephones or cellular telephone numbers of potential customers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

39. Documents, including technical manuals, training manuals, presentations, or user guides, describing any dialing system used to place or dial or used to assist in the placing or dialing of outbound telephone calls to cellular telephones of customers or potential customers of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

40. Documents, including technical manuals, presentations, or user guides, describing any software programs used to place or dial or to assist in the placement of telephone calls to cellular telephone numbers of customers or potential customers of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

41. Documents that reflect Defendant or Defendant's vendors, marketers, or sales representative's use, ownership, or licensing of software programs used to send or to assist in the placing of outgoing telephone calls to cellular telephones of customers or potential customers of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

42. Copies of the contracts and agreements (including all attachments and addenda) that You have entered with any vendor, marketer, sales representative, agent or contractor that provides for said person(s) or entity's placement of outbound telephone calls to customers or potential customers of Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

43. All sales literature, sales scripts, or sales materials pertaining to calls placed to, or interactions with, potential customers of Defendant, included any such materials provided to any third-party vendor or third contractor.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

44. All policies, procedures, or guidelines pertaining to the placement of calls to, or interactions with, potential customers of Defendant, included any such materials provided to any third-party vendor or third contractor.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

45. All e-mails and communications between You and any third-party regarding the allegations in Plaintiff's Complaint.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

46. All internal e-mails and communications between your employees, agents, and/or representatives regarding the allegations in Plaintiff's Complaint.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

47. With respect to the vendors, marketers, sales representatives, contractors, or agents that entered contracts or agreements with You, produce copies of the schemas or file and record layout of any Database containing fields showing the Call Details of outbound telephone calls to cellular telephones.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

48. With respect to the vendors, marketers, sales representatives, contractors, or agents that entered contracts or agreements with You, produce copies of the schemas or file and record layout of any Database containing fields showing the Call Details of outbound telephone calls to each of the respective Classes.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

49. An electronic file in Native Format that shows the Call Details for outbound telephone calls sent to each telephone number in the respective Classes.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

50. Documents showing that Defendant obtained the prior express written consent of the cellular telephone users who Defendant or someone on behalf of Defendant placed telephone calls to each telephone number in the respective Classes.

ANSWER: BSM objects to this Request as overly broad and unduly burdensome. Specifically, consent is an individualized issue that cannot be assessed at the general level this Request assumes. Only by assessing each individual interaction involving a potential customer can the issue of consent be fully understood and analyzed. Accordingly, it is not possible for BSM to produce documents “showing that Defendant obtained the prior express written consent” for every member of the proposed classes. Subject to and without waiving these objections, BSM states that because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

51. Documents showing each person and telephone number that is on Defendant's Internal DNC list, or otherwise identifying each person or telephone number who communicated to Defendant that they no longer wished to receive telephone calls from Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

52. Documents sufficient to identify each account or profile in Defendant's customer relationship management system that included a note, comment or checkbox that indicates the account or profile no longer wished to receive telephone calls from Defendant. This includes comments or notes written by an employee, agent or representative of Defendant such as DNC, Do Not Call, Stop Calling, or any other note or comment having the same or similar meaning.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

53. For each person or telephone number identified in response to request 46 above, documents sufficient to show the date when each person and telephone number that is on Defendant's Internal DNC list was placed on Defendant's Internal DNC list.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

54. For each person or telephone number identified in response to request 48 above, documents sufficient to show the date when the comment, note, or check box was made, entered and/or selected.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

55. Documents sufficient to show the number of telephone calls placed to the telephone numbers or persons identified in response to request 46 above, after that telephone number or person was placed on Defendant's Internal Do-Not-Call list.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

56. Documents sufficient to show the number of telephone calls placed to the telephone numbers or persons identified in response to request 47 above, after that telephone

number or person's account or profile was notated that the person no longer wished to receive telephone calls from Defendant.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

57. For each person or telephone number identified in response to request 46 and 47 above, documents and Call Details showing each person or telephone number that was called, the date(s) the call(s) were placed, and the total number of calls to each of these individuals or telephone numbers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

58. All marketing lead lists for your potential customers.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

59. Documents describing Defendant's processes and procedures for acquiring and determining which cellular telephone numbers to call to reach potential customers for purposes of Defendant's business.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

60. Documents reflecting complaints or inquiries from both federal and state governmental agencies regarding Defendant's alleged non-compliance with the TCPA.

ANSWER: BSM objects to this Request on the basis that it is vague and ambiguous. Specifically, BSM objects to this Request as vague and ambiguous in its use of the undefined terms "complaints" and "inquiries," which are subject to multiple interpretations. BSM further objects to this Request on the basis that it is overly broad, unduly burdensome, and is unlikely to lead to the discovery of admissible evidence. A "complaint" or "inquiry" regarding "alleged non-compliance with the TCPA" could mean many different things other than alleged DNC violations, which is the specific basis for Plaintiff's lawsuit. BSM will not search for or produce documents regarding "alleged non-compliance with the TCPA" that do not pertain to alleged DNC violations. Subject to and without waiving its objections, BSM states that because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

61. Documents, including demand or notice letters, complaints, answers, class certification rulings, orders on motions to dismiss, settlement agreements, and final judgments filed in lawsuits alleging Defendant's noncompliance with the TCPA.

ANSWER: BSM objects to this Request on the basis that it is vague and ambiguous. Specifically, BSM objects to this Request as vague and ambiguous in its use of the undefined terms "complaints" and "inquiries," which are subject to multiple interpretations. BSM further objects to this Request on the basis that it is overly broad, unduly burdensome, and is unlikely to lead to the discovery of admissible evidence. A "complaint" or "inquiry" regarding "alleged non-compliance with the TCPA" could mean many different things other than alleged DNC violations, which is the specific basis for Plaintiff's lawsuit. BSM will not search for or produce documents regarding "alleged non-compliance with the TCPA" that do not pertain to alleged DNC violations. Subject to and without waiving its objections, BSM states that because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

62. Documents, including copies of complaints or inquiries from actual or potential customers, regarding alleged calls placed to the potential customers' cellular telephones or cellular telephone numbers.

ANSWER: BSM objects to this Request on the basis that it is vague and ambiguous. Specifically, BSM objects to this Request as vague and ambiguous in its use of the undefined terms "complaints," "inquiries," and "potential customers," which are subject to multiple interpretations. BSM further objects to this Request on the basis that it is overly broad, unduly burdensome, and is unlikely to lead to the discovery of admissible evidence. A "complaint" or "inquiry" from a "potential customer" – whatever that vague term is intended to mean – could mean many different things other than alleged DNC violations, which is the specific basis for Plaintiff's lawsuit. BSM will not search for or produce documents regarding "alleged non-compliance with the TCPA" that do not pertain to alleged DNC violations. Subject to and without waiving its objections, BSM states that because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

63. An organizational chart for Defendant listing managers, divisions, officers and directors.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

64. A copy of the insurance policies covering Defendant for violation(s) of the TCPA.

ANSWER: Subject to and without waiving its objections, BSM refers Plaintiff to its Initial Disclosures and incorporates that response herein.

65. A copy of “any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment” and/or that otherwise afford coverage for the claims in the instant action. Fed. R. Civ. P. 26(a)(i)(A)(iv).

ANSWER: Subject to and without waiving its objections, BSM refers Plaintiff to its Initial Disclosures and incorporates that response herein.

66. All call recordings or transcripts of calls with Plaintiff or with Plaintiff’s Telephone Number.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

67. Documents identified in Defendant’s Rule 26 Disclosures.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

68. Documents that You contend support Your affirmative defenses.

ANSWER: BSM objects to this Discovery Request as premature. BSM has a pending Rule 12 motion and, as such, has not yet filed an answer to the operative Complaint and, therefore, has no identified or pleaded any defenses, “affirmative” or otherwise. Accordingly, issues have not been joined in this case, and it is premature for BSM to respond to a Discovery Request concerning “affirmative defenses.” BSM reserves the right to supplement its response to this Discovery Request at an appropriate time.

69. Documents that describe your general retention practices for call records/logs and preservation efforts.

ANSWER: BSM objects to this Discovery Request on the basis that it is overly broad, unduly burdensome, and is unlikely to lead to the discovery of admissible evidence. Specifically, there is no allegation in the operative Complaint regarding BSM’s “retention practices” or “preservation efforts,” and a Discovery Request seeking information on such subjects is harassing and unlikely to lead to the discovery of admissible evidence. Subject to and without waiving its objections, BSM states that

because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

70. Documents related to Defendant's efforts, if any, to register pursuant to § 302.101 of the Texas Business & Commercial Code to provide telephone solicitations.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM has no documents responsive to this Request.

RESPONSES TO STATEMENTS OF FACT TO BE ADMITTED OR DENIED

1. Plaintiff has no prior existing business relationship with Defendant.

ANSWER: Admitted.

2. Plaintiff did not provide Defendant with his consent to be called for every call placed to Plaintiff.

ANSWER: Denied.

3. Defendant's telephone number is (512) 615-2636.

ANSWER: Upon reasonable investigation, unable to admit or deny.

4. Plaintiff instructed Defendant to stop calling [sic] him on at least one time.

ANSWER: Denied.

5. Plaintiff instructed Defendant to stop calling [sic] him on April 21, 2023.

ANSWER: Denied.

6. Plaintiff instructed Defendant to stop calling [sic] him on April 29, 2023.

ANSWER: Denied.

7. Plaintiff instructed Defendant to stop calling [sic] him on May 1, 2023.

ANSWER: Denied.

8. Plaintiff instructed Defendant to stop calling [sic] him on May 2, 2023.

ANSWER: Denied.

9. Plaintiff instructed Defendant to stop calling [sic] him on May 2, 2023.

ANSWER: Denied.

10. Defendant's customer relationship management system includes a comment or notation that Plaintiff did not wish to receive further calls.

ANSWER: Denied.

11. Defendant placed called [sic] to Plaintiff after Defendant's customer relationship management system reflected that Plaintiff did not wish to receive further calls.

ANSWER: Denied.

12. Defendant's customer relationship management system includes a note that Plaintiff [sic] did not wish to receive further calls.

ANSWER: Denied.

13. Defendant placed calls to Plaintiff after Defendant's customer relationship management system noted that Plaintiff did not wish to receive further calls.

ANSWER: Denied.

14. Defendant's telephone system is not programmed to prevent Defendant from calling a telephone number that is on Defendant's Internal Do-Not-Call list.

ANSWER: Denied.

15. Defendant's telephone system is not programmed to prevent Defendant from calling a telephone number associated with an account that includes [sic] a comment that the individual associated with that telephone number does not want any further calls.

ANSWER: Denied.

16. Defendant's telephone system is not programmed to prevent Defendant from calling a telephone number associated with an account that includes a note that the individual associated with that telephone number does not want any further calls.

ANSWER: Denied.

17. Defendant knows that putting consumers on its Internal Do Not Call list will not completely stop the calls.

ANSWER: Denied.

18. Defendant knows that its representatives may call consumers without first reviewing consumer accounts for do-not-call flags.

ANSWER: Denied.

19. Defendant knows that its representatives may call consumers without first reviewing consumer accounts for do-not-call comments.

ANSWER: Denied.

20. Defendant knows that its representtaives [sic] may call consuemrs [sic] without first reviewing consumer accounts for do-not-call notes.

ANSWER: Denied.

21. Defendant allows multiple representatives to call the same potential consumer.

ANSWER: Denied.

22. Plaintiff received telephone calls from different repretatives [sic] of Defendant.

ANSWER: Denied.

23. During the Relevant Time Period Defendant, or someone on Defendant's behalf, placed Phone Calls to Plaintiff.

ANSWER: Denied.

24. Defendant or someone on Defendant's behalf placed telephone calls to more than 40 persons or entities during the Relevant Time Period.

ANSWER: Denied.

25. Defendant or someone on Defendant's behalf placed telephone calls promoting Defendant's business to more than 40 persons or entities during the Relevant Time Period.

ANSWER: Denied.

26. Prior to October 4, 2020, You had knowledge of the TCPA.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM denies this Request.

27. Prior to October 4, 2020, You had knowledge of the Do-Not-Call Registry.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM denies this Request.

28. Prior to October 4, 2020, You had knowledge of your requirement to have a written policy pertaining to "do not call" requests.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM denies this Request.

29. You or someone on your behalf placed the Subject Calls to Plaintiff.

ANSWER: Denied.

30. You did not have written express written consent to place the Phone Calls to more than 40 cellular phone users.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, BSM denies this Request.

31. You placed Phone Calls to more than 40 cellular phone users after they requested that you stop calling them.

ANSWER: Denied.

32. Defendant continued to call Plaintiff after he expressly told Defendant to stop calling him.

ANSWER: Denied.

33. You have records that identify the number of people who received marketing telephone calls from you or on your behalf during the Relevant Time Period.

ANSWER: Denied.

34. Your third-party vendors have provided you records that identify the number of people who received marketing telephone calls on your behalf during the Relevant Time Period.

ANSWER: Denied.

35. The number of potential Internal DNC Class Members is greater than 50.

ANSWER: Denied.

36. The number of potential Internal DNC Class Members is greater than 100.

ANSWER: Denied.

37. Defendant is operated by Freedom Solar.

ANSWER: BSM objects to this Discovery Request on the ground that it is vague and ambiguous. Specifically, the undefined term “operated by” is subject to multiple interpretations and, therefore, does not permit BSM to provide a meaningful response to this Request. Subject to and without waiving these objections, denied.

38. You have records that identify the number of people who received marketing telephone calls from you or on your behalf during the Relevant Time Period.

ANSWER: Denied.

39. Your business records identify the name, address, telephone number, and email address of people who received marketing telephone calls on your behalf during the Relevant Time Period.

ANSWER: Denied.

40. Your business records identify the name, address, telephone number, and email address of people who placed marketing telephone calls on your behalf during the Relevant Time Period.

ANSWER: Denied.

41. The size of the class and identify [sic] of Class Members may be determined from Your or your vendor's business records.

ANSWER: Denied.

42. The marketing telephone calls placed to Plaintiff and Class Members during the Relevant Time Period were sent using the same uniform method.

ANSWER: Because BSM did not place any telephone calls to "Plaintiff and Class Members during the Relevant Time Period," BSM is unable to admit or deny this Request.

43. The Subject Calls placed to Plaintiff violated the TCPA and its regulations.

ANSWER: Denied.

44. Defendant has not registered pursuant to § 302.101 of the Texas Business & Commercial Code to provide telephone solicitations.

ANSWER: Because Bright Solar Marketing, LLC has no employees or operations of its own, and because BSM does not "provide telephone solicitations," admitted.

DATED: March 24, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2025, I electronically served the foregoing on the following counsel of record:

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