IN THE 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.***	))))))))	**CA NO.: 1:24-CV-1190**

DEFENDANT BRIGHT SOLAR MARKETING, LLC'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY

Defendant, Bright Solar Marketing, LLC ("BSM LLC"), by its undersigned counsel, files this Response to Plaintiff's Motion to Compel Discovery (Doc. 25). The motion should be denied.

INTRODUCTION

The thrust of Plaintiff's premature, unfounded motion to compel in this case brought under the Telephone Consumer Protection Act ("TCPA") and the Texas Business & Commerce Code ("TBCC") is simply stated: Plaintiff has sued the wrong company. If anything is clear from BSM LLC's discovery responses, which are supported by a sworn declaration submitted herewith, it's that BSM LLC (1) is not a functioning company; (2) has no employees; (3) has no computer software or computer equipment; and (4) did not place any calls to Plaintiff and, therefore, could not have violated the TCPA and/or the TBCC. Rather than accept those answers and react sensibly, such as by attempting to amend the Complaint and/or substitute a proper defendant into the case, Plaintiff has filed this meritless motion asking the Court to order BSM LLC to, in effect, go and obtain documents from its corporate parent and/or affiliates in defiance of well settled legal principles. The Court should decline that invitation and should deny Plaintiff's motion to compel.

BACKGROUND RELEVANT TO PLAINTIFF'S MOTION

Plaintiff filed the original complaint in October 2024, naming Freedom Forever, LLC and BSM LLC as the two defendants. (Doc. 1.) Both defendants moved to dismiss. (Doc. 5.) In response, Plaintiff filed a First Amended Complaint (hereinafter "Complaint") that, importantly for the current motion, dropped Freedom Forever, LLC as a defendant and made BSM LLC the sole defendant in the case. (Doc. 10.) The Complaint alleges that Plaintiff received a number of calls from BSM LLC between April 11, 2023, and January 6, 2024. (*Id.*, ¶ 50.) Based on those allegations, Plaintiff's Complaint asserts three claims against BSM LLC – one under the TCPA and two under the TBCC (*id.*, ¶¶ 109-126), and seeks certification of three classes. (*Id.*, ¶ 106.)[1]

On January 16, 2025, BSM LLC filed a Rule 12 motion seeking dismissal of two aspects of the Complaint – Plaintiff's request for an injunction and his prayer for attorney's fees. (Doc. 13.) That motion has been fully briefed and awaiting a decision since February 5, 2025. (Doc. 17.) Subsequent to that briefing, this case was reassigned to another judge within the Western District "to help facilitate a balanced allocation of cases within the [Austin] Division." (Doc. 23 at 1.) At present, because of the pendency of the Rule 12 motion, BSM LLC has not answered the Complaint and the pleadings, therefore, have not closed. While the parties conducted the Rule 26(f) conference prior to the reassignment and submitted a potential schedule (Doc. 19), no scheduling order has been issued; there are no deadlines for discovery or other case-related events.

Nevertheless, not waiting for the Court to address the Rule 12 motion or enter a scheduling order, Plaintiff served burdensome discovery requests on BSM LLC – 44 requests for admission,

[1] The Complaint is confusingly misnumbered. After defining the proposed classes at ¶ 106, the Complaint goes back to "paragraph 105," resulting in the placement of a second "paragraph 106" only two paragraphs after the first "paragraph 106." Then, Count I purports to start at ¶ 109 (Doc. 10 at 25), even though the immediately preceding paragraph was ¶ 116.

17 interrogatories, and 70 document requests. (Doc. 25-2.) BSM LLC timely served responses to the requests, making clear that it "has no employees, computer software, computer equipment, and did not make any calls to Plaintiff" (Doc. 25-2 at 4 (Int. #10)) and "has no employees or operations of its own" (*id.* at 6 (Int. #17, RFPD #1), 7-20 (RFPD ##2-70)). Dissatisfied with those (truthful) responses,[2] Plaintiff filed this motion to compel, which essentially would require BSM LLC to reach beyond its corporate structure and obtain information and documents from non-parties – including "Freedom Forever, LLC," the same company Plaintiff originally named as a defendant but voluntarily dropped from the case when he filed the current Complaint. (Doc. 25 at 2-3.)

ARGUMENT

I. THE MOTION IS PREMATURE AND PROCEDURALLY DEFECTIVE.

The first problem is that Plaintiff made no meaningful effort to confer with BSM LLC as Rule 37 requires. While it is true that counsel for the parties had a conversation about BSM LLC's discovery responses, Plaintiff's counsel did not identify a single or specific discovery response, nor did the participants discuss a specific discovery response. Yet, in the motion to compel, Plaintiff spends multiple pages purporting to identify specific subjects and attempting to match them against specific discovery requests. (Doc. 25 at 6-8.) Not one of those identified items was discussed in the meet and confer. For purposes of a discovery dispute, a proper meet and confer means "that the movant has made a good faith effort to meet and confer regarding the ***specific discovery disputes at issue***, and to resolve them without court intervention." *Samsung Elec. Am., Inc. v. Yang Kun Chung*, 321 F.R.D. 250, 285 (N.D. Tex. 2017) (emphasis added; quotations omitted); *see also Lewis v. M7 Prod., LLC*, 2018 WL 11542098, *2 (M.D. La. Dec. 14, 2018) ("Rule 37 certificate" of conferral should include "the specific, itemized topics that were addressed

[2] Plaintiff is not contesting BSM LLC's responses to the Requests for Admissions.

at the conference"). Plaintiff's refusal to discuss any individual discovery request in the meet and confer – instead, saving his specific complaints for a motion to compel – violated the letter and spirit of Rule 37's conferral requirement and is grounds for denial for this basic reason.

Furthermore, Plaintiff rushed the motion to the Court while BSM LLC's Rule 12 motion remains pending. Courts frequently stay or delay discovery until a Rule 12 motion is resolved, including under the precise circumstances presented here: "District courts properly defer discovery while deciding threshold issues of subject matter jurisdiction, ***such as whether defendants are proper parties to the action***." *Rosales v. Wormuth*, 2024 WL 1336464, *2 (W.D. Tex. Mar. 28, 2024) (emphasis added) (citing *Petrus v. Bowen*, 833 F.2d 581, 583 (5th Cir. 1987)). As such, the motion to compel should be denied on the basis that it is premature.

II. THE MOTION TO COMPEL SHOULD BE DENIED BECAUSE BSM LLC HAS NO "POSSESSION, CUSTODY, OR CONTROL" OVER THE INFORMATION AND DOCUMENTS PLAINTIFF SEEKS.

Plaintiff does not meaningfully argue the truthfulness or accuracy of BSM LLC's discovery responses; he simply wants BSM LLC to reach out to its several, and separate, corporate family members and obtain information and documents. But that is not the law, and there is no basis to order BSM LLC to undertake such a burdensome task.

A. Plaintiff Has Not Carried His Burden of Showing That BSM LLC, a Subsidiary of Freedom Forever, LLC, Exercises Control Over Freedom Forever, LLC or Has the Legal Right to Obtain Documents from Freedom Forever, LLC.

Plaintiff's argument that BSM LLC "should be compelled" to provide "full and complete" responses to interrogatories and his "documents and ESI requests . . . because the documents and information sought are within its knowledge, possession, custody, and control irrespective of the named legal entity Defendant" (Doc. 25 at 4) is absurd. Acceptance of that argument would eliminate corporate forms and require any party who might be a part of a larger corporate family to go find information and documents from every non-party member of that family ("irrespective

of the named legal entity") regardless of the circumstances. Plaintiff cites no case that supports such a baseless proposition. Indeed, "Rule 34(a)(1) limits production to items in the responding party's possession, custody, or control." *ReSea Project APS v. Restoring Integrity to the Oceans, Inc.*, 2023 WL 3029268, *3 (W.D. Tex. Apr. 20, 2023) (quotations omitted). Accordingly, a party "is not required to produce what it does not have: ***Rule 34 does not require defendant to sift through documents which it does not have possession of***." *Malibu Consulting Corp. v. Funair Corp.*, 2007 WL 2787982, *3 (W.D. Tex. Sept. 22, 2007) (emphasis added). A party is required to produce documents only if, as Rule 34 directs, they are in its "possession, custody, or control."

"The party seeking discovery bears the burden to show that the opposing party has possession, custody, or control over the discovery requested." *St. Pierre v. Dearborn Nat'l Life Ins. Co.*, 2020 WL 6122555, *4 (W.D. Tex. Apr. 14, 2020); *see also PlayUp, Inc. v. Mintas*, 2022 WL 4112243, *2 (D. Nev. June 30, 2022) (noting the "heavy burden of showing that the party on whom the discovery was served has the legal right to obtain documents on demand from its affiliated company that actually possesses the documents"). As a district court in Texas recently observed, in the parent-subsidiary context, where – as here – a subsidiary is the defendant and the plaintiff seeks documents in the possession of the parent, "several circuit courts have defined 'control' as the 'legal right to obtain documents upon demand.'" *CFE Int'l LLC v. Schnaas*, 2025 WL 438568, *2 (S.D. Tex. Feb. 7, 2025) (quoting *In re Citric Acid Lit.*, 191 F.3d 1090, 1107 (9th Cir. 1999)); *see also Collins v. Easynews, Inc.*, 2007 WL 9701619, *1 (W.D. Tex. May 17, 2007) ("Documents are deemed to be within a party's 'possession, custody or control' for purposes of Rule 34 'if the party has actual possession, custody, or control, or has the legal right to obtain the documents on demand.'") (quoting *In re Bankers Trust Co.*, 61 F.3d 465, 469 (6th Cir. 1995)); *Seifi v. Mercedes-Benz U.S.A., LLC*, 2014 WL 7187111, *3 (N.D. Cal. Dec. 16, 2014) (courts "have required parties

to establish that a subsidiary has a legal right to obtain documents from its parent on demand before compelling those parties to produce documents") (quotations omitted).

"Typically, what must be shown to establish control over documents in the possession of a non-party is that there is a relationship, either because of some affiliation, employment or statute, such that a party is able to command release of certain documents by the non-party person or entity in actual possession." *Villarreal v. First Presidio Bank*, 2017 WL 5505383, *1 (W.D. Tex. June 9, 2017) (quotations omitted); *Nvision Biomed. Tech., LLC v. Jalex Med., LLC*, 2015 WL 13049356, *13 (W.D. Tex. Dec. 23, 2015) (same). That BSM LLC might have "access" to documents held by Freedom Forever, LLC or other corporate cousins is insufficient. *See Wiwa v. Royal Dutch Petro. Co.*, 392 F.3d 812, 821 (5th Cir. 2004) (agreeing that "the term 'access' is overbroad" because "[Rule] 34 requires only the production of documents in the 'possession, custody, or control'" and limiting production to documents "within [respondent's] custody, control, or possession"); *In re Grand Jury Subpoena*, 646 F.2d 963, 969 (5th Cir. 1981) ("That [respondent] had access to the records is irrelevant, for mere access is not possession, custody, or control.").

Here, the undisputed evidence before the Court is that BSM LLC (1) has no employees; (2) has no business operations of its own; (3) does not make telephone calls to consumers; (4) does not send text messages to consumers; (5) has no computer software; (6) has no computer equipment; (7) does not maintain its own website or other internet domain name; and (8) has no contracting and/or business relationship(s) with any vendor(s). (Decl. of Taylor Tilby (Ex. A hereto), ¶ 6.) Therefore, BSM LLC does not possess or have custody of information or documents that Plaintiff seeks in his discovery requests to BSM LLC. (*Id.*, ¶ 7.) Furthermore, BSM LLC has no ability or power to compel Freedom Forever, LLC to provide or produce documents, meaning that BSM LLC does not have the legal right to obtain documents from Freedom Forever LLC or

any other company owned by Freedom Forever, LLC upon demand. (*Id.*, ¶ 11.) Rather, when BSM LLC requests documents from Freedom Forever, LLC, which is BSM LLC's parent company (*id.*, ¶ 8), Freedom Forever, LLC is not required to provide such documents; rather, Freedom Forever, LLC determines whether to grant the request (assuming it has the requested documents) pursuant to governing regulations and laws, and its own internal policies and practices. (*Id.*, ¶ 12.)

Under these undisputed facts, Plaintiff has not met his burden of demonstrating that BSM LLC, a wholly-owned subsidiary of Freedom Forever, LLC (*id.*, ¶ 8), has sufficient control over its parent such that it can demand documents from its parent company, Freedom Forever, LLC. Courts consistently reject efforts from parties who are suing a subsidiary to obtain requested documents from its parent company. *See, e.g.*, *CFE*, 2025 WL 438568, *3 (denying motion: "The undisputed evidence in [respondent's] declaration shows that [subsidiary] does not have access to, much less control over, [parent's] documents."); *PlayUp*, 2022 WL 4112243, *3 (denying "motion to compel [party] to produce documents in the possession of its parent company"); *M.G. v. Bodum USA, Inc.*, 2020 WL 1667410, *3 (N.D. Cal. Apr. 3, 2020) (denying motion to compel documents in possession of parent where movant failed to establish that subsidiary had "legal control" over documents); *In re Porsche Cars N. Am., Inc.*, 2012 WL 4361430, *5 (S.D. Ohio Sept. 25, 2012) (denying motion where plaintiffs "fail to provide sufficient information for the Court to conclude that [subsidiary] has the legal right to demand documents from its parent companies"); *Ehrlich v. BMW of N. Am., LLC*, 2011 WL 3489105, **1-2 (C.D. Cal. May 2, 2011) (denying motion seeking to compel subsidiary to produce documents in parent's possession); *Hambrecht Wine Grp., LP v. Millennium Import LLC*, 2006 WL 3302428, *2 (N.D. Cal. Nov. 14, 2006) (denying motion to compel where plaintiff "has shown no legal right possessed by [subsidiary] to exert any control over [parent]'s documents"); *Glaxo Inc. v. Boehringer Ingelheim Corp.*, 1996 WL 710836, *4 (D.

Conn. Oct. 7, 1996) (plaintiff failed to establish that defendant, "the subsidiary corporation, has the requisite control over documents in the possession of the parent corporation . . . to require their production," and "Defendants categorically deny that such control exists"); *cf. St. Pierre*, 2020 WL 6122555, *4 ("Defendant has no duty to respond on behalf of the . . . non-party – or to request discovery from the [non-party] on behalf of Plaintiff.").

Plaintiff's argument – that BSM LLC should be required to demand its parent company to provide documents for BSM LLC to produce to Plaintiff – is even more incredulous in light of the fact that ***Plaintiff voluntarily dropped the parent (Freedom Forever, LLC) as a defendant*** when he filed the current Complaint. It is nonsensical – and Plaintiff provides no explanation – to drop a company from a lawsuit, then demand that the remaining defendant obtain responsive documents from the company the plaintiff affirmatively decided should not be in the lawsuit anyway. Plaintiff cites no case to support such a preposterous result, which further warrants denial of his motion.

In short, "Courts have held that requests for a subsidiary to furnish information held by a parent are improper ***because a subsidiary by definition does not control the parent***." *Input/Output, Inc. v. Sercel, Inc.*, 2008 WL 11348285, *2 (E.D. Tex. Aug. 14, 2008) (emphasis added) (citing cases) (denying motion to compel where plaintiff "has not presented evidence demonstrating [defendant subsidiary] controls its parent"); *see also CFE*, 2025 WL 438568, *3 (quoting *Input/Output*); *Porsche*, 2012 WL 4361430, *5 (citing "the general rule that '[a] subsidiary, by definition, does not control its parent corporation'") (quoting *Power Int., Inc. v. Fairchild Semicond. Int'l Inc.*, 233 F.R.D. 143, 145 (D. Del. 2005)). Because Plaintiff has not carried his burden of rebutting this "general rule," his motion to compel should be denied.

B. Plaintiff's Unsupported Arguments of "Control" Should Be Rejected.

Plaintiff's arguments concerning "control" lack any on-point case support, largely lack any

evidence, and are wholly insufficient to carry his burden of disregarding the separate corporate structure of BSM LLC. For example, courts consistently have held that use of the "same [litigation] counsel" (Doc. 25 at 5) does not establish "control." *See, e.g.*, *Morton v. Aylo Hold., S.A.R.L.*, 2024 WL 4599343, *5 (C.D. Cal. Oct. 3, 2024) (fact that "Defendants share legal counsel" insufficient to establish control); *Aaron & Andrew, Inc. v. Sears Hold. Mgt. Corp.*, 2018 WL 1942373, *11 (C.D. Cal. Mar. 26, 2018) ("use of shared counsel with subsidiary does not suffice to establish the measure of control necessary to justify disregarding the corporate entity") (quotations omitted); *Pipeline Prods., Inc. v. Madison Cos., LLC*, 2018 WL 5633992, *3 (D. Kan. Oct. 31, 2018) (fact that non-party respondent "and defendants have previously shared counsel" held to "lack legal support to demonstrate control" in discovery dispute).

Plaintiff refers to "Bright Solar's website" (Doc. 25 at 4), presuming the website belongs to BSM LLC. It does not; BSM LLC does not own or operate any websites or internet domains. (Tilby Decl., ¶ 6(g).) Even if BSM LLC did have a website, that proves nothing. *See Gerritsen v. Warner Bros. Enter. Inc.*, 116 F. Supp. 3d 1104, 1139 (C.D. Cal. 2015) (that "parent and subsidiary share . . . the same website . . . does not necessarily reflect an abuse of the corporate form"). Plaintiff mentions his pre-suit demand letter, but as BSM LLC explained, as it "has no employees or operations of its own, its parent company, Freedom Forever, LLC, responded to the alleged pre-suit letter." (Doc. 25-2 at 7.) Plaintiff cites no case holding that such a benign fact means that BSM LLC has "control" over Freedom Forever, LLC; in fact, the law is just the opposite. *See PlayUp*, 2022 WL 4112243, *2 ("A showing . . . of a past exchange of documents and some indicia of corporate overlap is plainly insufficient to meet that [control] standard.") (denying motion to compel subsidiary to obtain/produce documents of parent). Plaintiff's failure to provide any case support for his arguments dooms his motion; such "circumstantial evidence does not establish that

[Freedom Forever, LLC] is 'deemed under control of'" BSM LLC. *CFE*, 2025 WL 438568, *3 (quoting *LiiON, LLC v. Vertiv Grp. Corp.*, 2019 WL 13136760, *2 (W.D. Tex. July 30, 2019)).

The remainder of Plaintiff's motion merits little discussion.[3] Plaintiff spills ink arguing about the relevance of "call lists and call data in TCPA class actions." (Doc. 25 at 9.) That is a red herring and, again, is a subject that was not discussed in the meet and confer, which was limited to Plaintiff's being advised that BSM LLC had truthfully responded that it had no information responsive to Plaintiff's discovery requests. Whether "class lists" and the like are discoverable is an issue for another day, but for present purposes it is undisputed that BSM LLC, which did not make any calls to anyone, does not have "possession, custody or control" over that information.[4]

CONCLUSION

In short, "a party is not obliged to produce . . . documents that it does not possess or cannot obtain." *Shcherbakovskiy v. Da Capo Al Fine, Ltd.*, 490 F.3d 130, 138 (2d Cir. 2007); *Nat'l Oilwell Varco, L.P. v. Auto-Dril, Inc.*, 2011 WL 13217903, *3 (E.D. Tex. June 13, 2011) (quoting *Shcherbakovskiy*). In this regard, "due process demands respect for corporate separateness." *HDT Bio Corp. v. Emcure Pharm., Ltd.*, 704 F. Supp. 3d 1175, 1191 (W.D. Wash. 2023). Plaintiff has

[3] Plaintiff's other arguments are sheer conjecture and are patently insufficient to establish control – for example, a bland reference to an "investigation" regarding unrelated lawsuits (Doc. 25 at 5). That is inadequate to demonstrate "control." *See McGraw-Hill Global Education, LLC v. Jones*, 2015 WL 5074487, *2 (W.D. Ky. Aug. 8, 2015) ("Plaintiffs bear the burden of establishing the relationship between Defendant and any of these entities that establishes possession, custody, or control; speculation does not suffice."); *see also In re Citric Acid*, 191 F.3d at 1107 ("[P]roof of theoretical control is insufficient; a showing of actual control is required.").

[4] Plaintiff erroneously complains of BSM LLC's initial disclosures. (Doc. 25 at 3.) "The purpose of initial disclosures under Rule 26(a)(1) is to put all parties on notice, at the earliest possible point in time, of all evidence and witnesses to be used in a case." *Harris v. Regal-Beloit Am., Inc.*, 2023 WL 6307754, *2 (N.D. Ind. Sept. 27, 2023). BSM LLC did just that, identifying witnesses, categories of documents, and the other required information. (Doc. 25-1.) BSM LLC is under no obligation to "identify the legal entity that placed the calls to Plaintiff" (Doc. 25 at 3); Plaintiff cites no case that has imposed such a mandate. BSM LLC complied with its Rule 26 obligations.

not met his burden of showing that BSM LLC exercises control over its parent, Freedom Forever, LLC, such that it can demand documents from the parent to produce to Plaintiff. The fact that Plaintiff has other avenues to obtain the documents, yet has chosen not to do so, does not permit him to make an end run around corporate structures. *See Power Int.*, 233 F.R.D. at 146 (rejecting request to obtain documents from non-party parent where "alternative avenues exist for [party] to pursue the requested information, and the circumstances in this case do not justify the Court disregarding the 'corporate formalities' associated with related but independent corporate entities to obtain documents in the possession and immediate control of a non-party parent corporation"). Plaintiff's motion to compel should be denied.

DATED: May 12, 2025.

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ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

On May 12, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by the Federal Rules of Civil Procedure.

s/ William J. Akins
William J. Akins

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.	)	

DECLARATION OF TAYLOR ANN TILBY

I, Taylor Ann Tilby, hereby make this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746, and declare as follows:

1. I have personal knowledge of the following facts and would testify to them if called as a witness in a court of law. This Declaration is based upon my personal knowledge.

2. I am the Appointment Operations Manager for Freedom Solar Services dba Bright Solar Marketing ("FSS BSM").

3. In that capacity, I am personally familiar with the Bright Solar Marketing, LLC ("BSM LLC"), which I understand to be the defendant in this lawsuit, and its relationship with other entities that I understand have been identified by the Plaintiff in this lawsuit.

4. I submit this Declaration in support of the Response to the Motion to Compel to be filed by BSM LLC in this case.

5. BSM LLC is a Delaware limited liability company.

6. BSM LLC is not engaged in any business operations. Specifically, BSM LLC:

    a. Has no employees;

    b. Has no business operations of its own;

    c. Does not make telephone calls to consumers;

    d. Does not send text messages to consumers;

    e. Has no computer software;

    f. Has no computer equipment;

    g. Does not maintain its own website or other internet domain name;

    h. Has no contracting and/or business relationship(s) with any vendor(s).

7. Accordingly, BSM LLC does not possess or have custody of information or documents that Plaintiff seeks in his discovery requests to BSM LLC.

8. Freedom Forever, LLC is the parent company of BSM LLC. Stated differently, BSM LLC is a wholly owned subsidiary of Freedom Forever, LLC.

9. Freedom Forever, LLC, FSS BSM, High Roller Marketing, LLC ("HRM"), and BSM LLC are all separate corporate entities.

10. BSM LLC has no employees, directors, or board members.

11. BSM LLC, as a subsidiary of Freedom Forever, LLC, has no ability or power to compel Freedom Forever, LLC to provide or produce documents. In other words, BSM LLC does not have the legal right to obtain documents from Freedom Forever LLC, or any other company owned by Freedom Forever, LLC upon demand.

12. When BSM LLC requests documents from Freedom Forever, LLC, Freedom Forever, LLC is not required to provide such documents. Instead, Freedom Forever, LLC determines whether to grant the request (assuming it has the requested documents) pursuant to governing regulations and laws, and its own internal policies and practices.

13. FSS BSM has no business relationship with BSM LLC. FSS BSM and BSM LLC are separate companies.

14. I am also aware of a subpoena served in this case upon HRM.

15. HRM is a "lead generation" company. HRM is a subsidiary of FSS BSM. HRM is a separate company from BSM LLC.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed by:
Taylor Ann Tilby
ED3D020D9077471...

Taylor Ann Tilby

05/12/2025 | 2:02 PM PDT

Date