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IN THE SUPERIOR UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff  
v.

J.M.S. Associate Marketing, LLC, Josette  
M Selbert, Tele Transform, Vivid Hear, and  
John Doe 1-10

Defendants.

Case No.: 3:21-cv-005509-RJB

ORIGINAL MOTION FOR  
DEFAULT JUDGEMENT  
AGAINST DEFENDANTS J.M.S.  
ASSOCIATE MARKETING, LLC &  
JOSETTE M SELBERT

At the prompting of the Court in a note filed on 09/26/2021 (Order On Motion For a Protective Order Dkt. 15) Plaintiff Nathen Barton (hereinafter referred to as “Plaintiff”) moves this court for a default judgment against defendant J.M.S. Associate Marketing, LLC (“JMS”), and defendant Josette M. Selbert (“Selbert”).

Plaintiff commenced this action on 7/15/2021, and JMS and Selbert were served process on 7/20/2021 by Sandra Patton. Attached exhibits B and C are the proofs of service returned by Sandra Patton, and Plaintiff testifies to the same in a declaration associated with this Motion.

On 8/18/2021, Ravi Subramanian, a clerk of this Court, entered a state of default for defendant JMS Associate Marketing, LLC, and Josette M. Selbert.

1 To date, JMS and Selbert have not communicated with Plaintiff in any way, or attempted  
2 to defend the above captioned matter.

### 3 **Introduction**

4 This lawsuit arises from six alleged phone calls placed in violation of Washington State  
5 and federal telemarketing laws.

6 Plaintiff has plead in Plaintiff's Original Complaint ("POC") and testified that he pays for  
7 a Washington State (360) telephone area code cellular number (See POC Page 3 paragraph 13;  
8 Dec. Page 2 paragraph 6 & 7).

9 Plaintiff has plead and testified that this same cellular number has been registered on the  
10 FTC *do-not-call* registry more than 31 days before April 19, 2021 (See POC Page 3 paragraph  
11 18; Dec. Page 2 paragraph 8).

12 Plaintiff has plead and testified to having received six phone calls to this same cellular  
13 number, and Plaintiff now presents evidence and argument that those phone calls were initiated  
14 by JMS and Selbert.

### 15 **JMS and Selbert are in the Telemarketing Business**

16 According to the Florida Secretary of State, Selbert is the manager of JMS as shown by  
17 the Florida State government record attached as Plaintiff's Exhibit D.

18 Selbert admits her role and JMS's business purpose on Selbert's LinkedIn profile<sup>1</sup>  
19 attached as Plaintiff's Exhibit E. Specifically on Page 2 of Exhibit E, Selbert list her position  
20 and function at JMS:

21 Human Resource Manager/Recruiter/Training Manager

22 JMS ASSOCIATE MARKETING, LLC

23  
24 <sup>1</sup> See <https://www.linkedin.com/in/josette-selbert-5408919/>

1 Jan 2010 – Present · 11 yrs 8 mos

2 Recruit, interview, and train sales staff for an outbound Call Center. Manage the daily  
3 operations of a telephone sales room. Adhere to Human Resource policies; calculation of  
4 payroll, ensure accurate commission payments, benefits administration, policies and  
5 procedures. Administer the training of the Sexual Harassment policy. Define the position  
6 of **JMS Marketing, LLC** regarding policies on age, racial, sexual, social, religious  
7 and/or discriminatory practices of employees. (emphasis added)

8 Selbert identifies her role at JMS specifically as “Manage the daily operations of a  
9 telephone sales room”. Selbert further refers to the business as “JMS Marketing, LLC”, a detail  
10 that will be important with Jennifer Monroe’s LinkedIn profile page below.

11 Before getting to that, it is worth noting that the “JMS” of “J.M.S. Associate Marketing”  
12 likely stands for “Josette M Selbert” as alleged in Plaintiff’s Original Complaint (Page 4, lines 5-  
13 6).

14 “JMS Marketing LLC” appears again in Plaintiff’s attached Exhibit F, the LinkedIn  
15 profile for a Jennifer Monroe<sup>2</sup>, which lists a two-month stint working for “JMS Marketing LLC”  
16 of Melbourne Florida with the job description:

17 “Received Outbound and Inbound calls for Vivid Hear for sale of Hearing Aids; Maintain  
18 positive attitude and confidence during escalations; Process individual orders accurately  
19 and according to the customers preferences”

20 Jennifer Monroe’s description connects the dots between “JMS Marketing LLC”, “Vivid  
21 Hear”, hearing aids, “Outbound and Inbound calls”, and “Melbourne Florida”.

22 The website <https://vividhear.com/contact/> lists the physical address of Vivid Hear as:

23 551 S Apollo Blvd Ste 204  
24 Melbourne, Fl 32901

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<sup>2</sup> <https://www.linkedin.com/in/jennifermonroe-123/>

1 Which is an exact match for the JMS physical address in Exhibit D, the Florida  
2 Department of Corporations document:

3 **Detail by Entity Name**

4 Florida Limited Liability Company  
J.M.S. ASSOCIATE MARKETING, LLC

5 **Filing Information**

6 **Document Number** L11000046942  
7 **FEI/EIN Number** 45-0822809  
8 **Date Filed** 04/20/2011  
9 **Effective Date** 04/20/2011  
10 **State** FL  
11 **Status** ACTIVE  
12 **Last Event** REINSTATEMENT  
13 **Event Date Filed** 10/02/2017

14 **Principal Address**

15 551 S. APOLLO BOULEVARD  
16 SUITE 204  
17 MELBOURNE, FL 32901

18 There is a perfect address match between [VividHear.com](http://VividHear.com) (Exhibit G) and J.M.S.  
19 Associate Marketing, LLC (Exhibit D<sup>3</sup>).

20 **VividHear Appears to be an Unregistered or Fictitious Business Name**

21 Although website [VividHear.com](http://VividHear.com) does business under the VividHear name in the State of  
22 Florida, VividHear and Vivid Hear are not business or trade names registered in the State of  
23 Florida or Washington State.

24 As the manager of JMS, Selbert would know or should know that JMS is doing business  
under an unregistered or fictitious business name.

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25 <sup>3</sup> See  
26 <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=JMSASSOCIATEMARKETING%20L110000469420&aggregateId=flal-111000046942-f11ae0d7-2f4c-4464-90fe-e42e00298bc2&searchTerm=jms%20associate%20marketing&listNameOrder=JMSASSOCIATEMARKETING%20L110000469420>

1 Plaintiff has alleged the same in Plaintiff's Original Complaint.

2 **Plaintiff received calls soliciting a Massage Chair and**

3 **VividHear.com from "Tele Transform"**

4 Plaintiff has alleged six phone calls from JMS and Selbert. The 7<sup>th</sup> call occurred after the  
5 Original Complaint was filed and is included in this Motion only for evidentiary reasons.

6 JMS and Selbert solicited Plaintiff by phone for two different products – a massage chair  
7 and hearing aids. The table below shows the basic facts of each call as testified to by Plaintiff in  
8 the associated Declaration:

9

	Call #1	Call #2	Call #3	Call #4	Call #5	Call #6	Call #7
45 Day Free Trial		X			X	X	
They claim to be Tele Transform	X	X	X		X	X	
Vivid Hear hearing Aids					X	X	X
Selling Body Massage Chair	X		X				
Selling Hearing Aids		X			X	X	X
How is the weather					X	X	
JMS Associate Marketing							X
Artificial or pre-recorded voice	X	X	X	X	X	X	
They called me	X		X	X	X		
I called a phone number back		X				X	X
Leo, on a recorded line		X		X	X		
"Hi, this is Zach"	X		X				
"Hearing Administrator"				X	X		

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18 In calls 1, 2, 3, 5, and 6, the entity at the other end of the phone call uses the identity of  
19 "Tele Transform".

20 The first five seconds of "Leo" speaking in Call 4 was exactly the same as the first five  
21 seconds of "Leo" speaking in Call 5.

22 Plaintiff has plead and testified that he neither consented nor invited JMS or Selbert to  
23 initiate any phone calls to Plaintiff.

24 **JMS and Selbert are Annoying the Public**

1 No one in Plaintiff's house needs hearing aids, and this phone is registered on the FTC  
2 *do-not-call* list to maintain their privacy and tranquility. As much as Plaintiff's children would  
3 undoubtedly love a full body massage chair, Plaintiff is not in the market for that either.

4 These Defendants waste Plaintiff's time with each phone call, and distract the family  
5 from their activities.

### 6 **Telemarketing law Violations**

#### 7 **TCPA 47 U.S.C. 227(c)(5)**

8 JMS and Selbert violated the TCPA 47 U.S.C. 227(c)(5) six times.

9 Six times JMS and Selbert initiated phone calls to Plaintiff's cell phone without invitation  
10 or consent for the purposes of encouraging Plaintiff to purchase goods or services while  
11 Plaintiff's phone number was registered on the FTC *do-not-call* list.

#### 12 **TCPA 47 U.S.C. 227(b)**

13 JMS and Selbert violated the TCPA 47 U.S.C. 227(b) four times.

14 Four times JMS and Selbert initiated phone calls to Plaintiff's cell phone without  
15 invitation or consent and then played artificial or prerecorded voice during each of those four  
16 calls.

### 17 **Washington State Law**

#### 18 **RCW 19.158**

19 RCW 19.158.020(1) defines "commercial telephone solicitor" as any person who engages  
20 in commercial telephone solicitation.

21 RCW 19.158.020(2)(a) defines "Commercial telephone solicitation" as

22 An unsolicited telephone call to a person initiated by a salesperson and conversation for  
23 the purpose of inducing the person to purchase or invest in property, goods, or services;

1 RCW 19.158.020 excludes certain activities from the definition of “commercial  
2 telephone solicitor” but JMS and Selbert do not appear to satisfy any of the exclusions.

3 To wit:

4 (a) JMS is an admitted call center (Exhibit E). The nature of their business is outbound  
5 and inbound calls (Exhibit F). JMS appears to do nearly all business over the phone  
(Selbert only lists phone work as the actual ‘work’ JMS does, Exhibit E).

6 (b) JMS is not a charity or non-profit.

7 (c) Plaintiff has never purchased anything from JMS or Selbert before

8 (d) JMS is attempting to complete sales during the phone call

9 (e) JMS is not selling securities

10 (f) JMS is not licensed under [RCW 18.85.090](#)

11 (g) JMS is not registered under [RCW 18.27.060](#)

12 (h) JMS is not licensed under [RCW 48.17.150](#).

13 (i) JMS is not soliciting the sale of a franchise

14 (j) JMS did not solicit the sale of a newspaper.

15 (k) JMS is not a supervised financial institution or parent, subsidiary, or affiliate thereof

16 (l) JMS is not soliciting the sale of prearranged funeral services

17 (m) JMS is not licensed to enter into prearrangement contracts under [RCW 68.05.155](#).

18 (n) JMS is not soliciting the sale of services provided by a cable television system

19 (o) JMS is not regulated by the utilities and transportation commission

20 (p) JMS is not soliciting the sale of agricultural products

21 (q) JMS is not involved with issuing securities

22 (r) JMS is not a common broker-dealer

23 (s) Plaintiff is not a business

24 (t) JMS is not licensed under [RCW 19.16.110](#).

(u) JMS is not selling food

(v) JMS is not selling food fish or shellfish

RCW 19.158.050(1) says in part:

“In order to maintain or defend a lawsuit or do any business in this state, a commercial  
telephone solicitor must be registered with the department of licensing.”

Although RCW 19.158.050(3) says “The department of licensing shall issue a  
registration number to the commercial telephone solicitor.”, in practice this Commercial  
Telephone Solicitor “registration number” appears as an endorsement on the business license  
issued by The Washington State Department of Revenue.

1 None of the Selbert, JMS, Vivid, and Tele-Transform names are registered to do any  
2 business in Washington State, thus do not have this endorsement on their not-existing  
3 Washington State business license,

4 Therefore, Plaintiff alleges that JMS and Selbert act as unlicensed Commercial  
5 Telephone Solicitors when placing sales calls to Washington State residents.

6 Washington State RCW 19.158.140 states: A civil penalty shall be imposed by the court  
7 for each violation of this chapter in an amount not less than five hundred dollars nor more than  
8 two thousand dollars per violation.

9 Washington State RCW 19.158.030 states: A violation of this chapter is an unfair or  
10 deceptive act in trade or commerce for the purpose of applying the consumer protection act,  
11 chapter 19.86 RCW. *The law seems to presume the damages will be trebled under the*  
12 *Washington State Unfair Business Practices Act.*

### 13 **RCW 19.158.110(1) Violations**

14 RCW 19.158.110(1) says:

15 Within the first minute of the telephone call, a commercial telephone solicitor or  
16 salesperson shall:

- 17 (a) Identify himself or herself, the company on whose behalf the solicitation is  
18 being made, the property, goods, or services being sold;

19 JMS and Selbert did not identify a legitimate company name in the first 60 seconds of the  
20 four calls they initiated to Plaintiff, and Plaintiff answered.

### 21 **RCW 19.158.110(2) Violations**

22 Washington State RCW 19.158.110(2) says:

23 If at any time during the telephone contact, the purchaser states or indicates that he or she  
24 does not wish to be called again by the commercial telephone solicitor or wants to have  
his or her name and individual telephone number removed from the telephone lists used  
by the commercial telephone solicitor:

1 (a) The commercial telephone solicitor shall not make any additional commercial  
2 telephone solicitation of the called party at that telephone number within a period of at  
3 least one year;

4 JMS and Selbert called Plaintiff twice more within a period of one year after Plaintiff  
5 asked for Plaintiff's number to be removed from the telephone lists used by JMS and Selbert.

#### 6 **RCW 19.158.150 Violations**

7 JMS and Selbert violated Washington State RCW 19.158.150 four (4) times by soliciting  
8 Plaintiff on his cell phone while they were not registered on with the Washington State  
9 Department of Licensing as Commercial Telephone Solicitors, or while working on behalf of an  
10 unregistered Commercial Telephone Solicitor.

#### 11 **RCW 80.36.390(2) Violations**

12 Washington State RCW 80.36.390(2) says

13 A person making a telephone solicitation must identify him or herself and the company or  
14 organization on whose behalf the solicitation is being made and the purpose of the call  
15 within the first thirty seconds of the telephone call.

16 In four (4) solicitation calls JMS and Selbert failed to identify the company behind the  
17 solicitation within the first 30 seconds of the phone calls.

18 Washington State RCW 80.35.390(4) says: "A violation of subsection (2) or (3) of this  
19 section is punishable by a fine of up to one thousand dollars for each violation."

#### 20 **RCW 80.36.390(3) Violations**

21 Washington State RCW 80.36.390(3) says:

22 If, at any time during the telephone contact, the called party states or indicates that he or  
23 she does not wish to be called again by the company or organization or wants to have his  
24 or her name and individual telephone number removed from the telephone lists used by  
the company or organization making the telephone solicitation, then:

(a) The company or organization shall not make any additional telephone solicitation of  
the called party at that telephone number within a period of at least one year;

1 On May 28, 2021, Plaintiff asked JMS and Selbert to not be called again, and JMS and  
2 Selbert called Plaintiff two (2) more times after this request.

3 Washington State RCW 80.35.390(4) says: “A violation of subsection (2) or (3) of this  
4 section is punishable by a fine of up to one thousand dollars for each violation.”

### 5 **RCW 80.36.400 Violations**

6 Washington State RCW 80.36.400(2) states:

7 “No person may use an automatic dialing and announcing device for purposes of  
8 commercial solicitation. This section applies to all commercial solicitation intended to be  
9 received by telephone customers within the state.”

10 JMS and Selbert violated Washington State RCW 80.36.400(2) four (4) times by calling  
11 Plaintiff’s cellular telephone number four (4) times without consent, while using an automatic  
12 dialing and announcing device for commercial solicitation.

13 RCW 80.36.400 defines “Commercial solicitation means the unsolicited initiation of a  
14 telephone conversation for the purpose of encouraging a person to purchase property, goods, or  
15 services.”

16 Washington state RCW 80.36.400(3) says: “A violation of this section is a violation of  
17 chapter 19.86 RCW. [Deceptive Trade Practices Act]” *The law seems to presume the damages  
18 will be trebled under the Washington State Unfair Business Practices Act.*

19 Washington state RCW 80.36.400(3) continues: “It shall be presumed that that damages  
20 to the recipient of commercial solicitations made using an automatic dialing and announcing  
21 device are five hundred dollars.”

### 22 **Injunctive Relief**

23 TCPA 47 U.S.C. 227(b)(3)(A) and 47 U.S.C. 227(c)(5)(A) allows “an action based on a  
24 violation of the regulations prescribed under this subsection to enjoin such violation”

Washington State RCW 80.36.390(6) says:  
ORIGINAL MOTION FOR DEFAULT JUDGEMENT - 10 / 15  
CASE NO 3:21-CV-005509-RJB

NATHEN BARTON  
4618 NW 11<sup>TH</sup> CIR  
CAMAS WA 98607

1 A person aggrieved by repeated violations of this section may bring a civil action  
2 in superior court to enjoin future violations, to recover damages, or both.

3 Plaintiff is not unique – he simply had the misfortune to be targeted by Defendants’ mass  
4 calling machine. It is reasonable to believe that Defendants have done this many times in the  
5 past and will continue harming the residents of this State and other States in the future.

6 Plaintiff asks this Court to enjoin the Defendants from further violations of State and  
7 Federal telemarketing laws.

### 8 **Treble Damages**

9 Plaintiff believes the record shows that Defendants’ violations of the law were willful or  
10 knowing. Their own employee reported<sup>4</sup>:

11 “they get their leads from surveys that these old people take for money and they auto dial  
12 them even if they dont (sic) have hearing issues. On top of that they also keep the  
13 customers in the auto dial rotation even if they say do not call me.”

14 Plaintiff can attest to half of this – Plaintiff never filled out a survey, but he did ask the  
15 JMS to stop calling him, to no avail (Dec. Page 4, Paragraph 29). Therefore, Plaintiff asks for  
16 treble damages under TCPA 47 U.S.C. 227(c)(5), TCPA 47 U.S.C. 227(b)(3), and the  
17 presumption that violations of Washington State RCW 19.158 and RCW 80.36.400 triple  
18 damages under the Washington State Unfair Business Practices Act RCW 19.86.

### 18 **Monetary Damages Calculated**

19 Plaintiff asks for \$87,000 in statutory damages. The following table rows shows the  
20 telemarketing laws broken, and the columns show how many times each law was violated (# of  
21 calls), the statutory damages, if that statutory damage can be trebled, and finally, the total  
22 damages asked for.

23  
24 <sup>4</sup> See <https://www.indeed.com/cmp/Jms-Marketing/reviews?fjobtitle=Telemarketer>

	# of calls	Statutory Damages	Can be trebled?	Trebled Damages	Total Damages asked for
47 U.S.C. 227(c)(5)	6	up to \$500	Yes	Up to \$1500	\$9,000
47 U.S.C. 227(b)	4	up to \$500	Yes	Up to \$1500	\$6,000
RCW 19.158.110(1)	4	<u>\$500-\$2000</u>	<u>Yes</u>	\$1500-\$6000	\$24,000
RCW 19.158.110(2)	2	<u>\$500-\$2000</u>	<u>Yes</u>	\$1500-\$6000	\$12,000
RCW 19.158.150	4	<u>\$500-\$2000</u>	<u>Yes</u>	\$1500-\$6000	\$24,000
RCW 80.36.390(2)	4	<u>up to \$1000</u>	No	-	\$4,000
RCW 80.36.390(3)	2	<u>up to \$1000</u>	No	-	\$2,000
RCW 80.36.400	4	<u>\$500</u>	Yes	\$1,500	\$6,000
Total:					\$87,000

### **Selbert should be held Jointly and Severally Liable**

Selbert is the Manager of JMS, and by her own admission on Page 2 of Exhibit E, her role at JMS is to “Manage the daily operations of a telephone sales room”.

Selbert would know she is operating in the State of Washington because phone calls 1, 2, 3, 4, 5, and 6 were all initiated from a (360) area code number, an exclusively Washington State area code. Plaintiff’s phone number at issue in this litigation is also a (360) area code number.

Selbert is benefiting herself by initiating calls from the (360) area code to consumers with (360) area code phone numbers in a telemarketer technique that makes it more likely the called people will answer the phone<sup>5</sup>.

As Selbert would know or should know that JMS is giving consumers fictitious names and is committing crimes<sup>6</sup> ([RWC 19.158.160](#)) by acting as an unlicensed commercial solicitor in

<sup>5</sup> <https://www.bbb.org/article/news-releases/16670-a-new-kind-of-phone-scam-neighbor-spoofing>

<sup>6</sup> See <https://app.leg.wa.gov/RCW/default.aspx?cite=19.158.160>

1 the State of Washington, and the other violations of RCW 19.158, Selbert is causing JMS to  
2 become a racketeering influenced organization.

3 As the Manager of JMS, Selbert has breached her duty to JMS by condoning illegal  
4 conduct. Holding Selbert personality liable for the widespread conduct of her business  
5 operations is likely the only way to ensure Plaintiff can collect a judgement against JMS.

6 **Conclusion:**

7 Plaintiff has a strong case: Recordings of every phone call – and strong evidence that  
8 JMS and Selbert were behind the phone calls. Selbert and JMS were served Plaintiff’s Original  
9 Complaint and have chosen not to respond, presumably because they admit to the allegations  
10 presented in the Complaint.

11  
12 For the preceding reasons, Plaintiff requests the Court grant the order for a Default  
13 Judgement.

14  
15 s/ Nathen Barton  
16 (signed)

8/29/2021  
(Dated)

17 Nathen Barton  
18 (718) 710 5784  
19 4618 NW 11<sup>th</sup> Cir  
20 Camas WA 98607  
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IN THE SUPERIOR UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff  
v.

J.M.S. Associate Marketing, LLC, Josette  
M Selbert, Tele Transform, Vivid Hear, and  
John Doe 1-10

Defendants.

Case No.: 3:21-cv-005509-RJB

[PROPOSED] ORDER  
DEFAULT JUDGEMENT  
AGAINST J.M.S. ASSOCIATE  
MARKETING, LLC & JOSETTE M  
SELBERT

ORDER

THIS MATTER came before the Court on Plaintiff's MOTION FOR A DEFAULT  
JUDGMENT AGAINST J.M.S. ASSOCIATE MARKETING, LLC & JOSETTE M SELBERT.

Having considered the matter, as well as the pleadings and records in the Court's file and the  
relevant legal authorities, the Court is full informed. It is HEREBY ORDERED:

Plaintiffs' MOTION FOR A DEFAULT JUDGMENT AGAINST J.M.S. ASSOCIATE  
MARKETING, LLC & JOSETTE M SELBERT is GRANTED.

1 Defendants J.M.S. Associate Marketing, LLC, and Josette M Selbert are jointly and  
2 severally liable for damages of \$87,000. The post-judgment interest rate is 9%. Plaintiff is  
3 entitled to court filing fees and lawsuit filing fees in the amount of \$552.

4  
5 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

6  
7 \_\_\_\_\_  
8 Judge of Federal Court  
9 Western District of Washington

10 APPROVED AS TO FORM

11 \_\_\_\_\_  
12 s/ Nathen Barton  
13 Nathen Barton, Pro Se

# Exhibit B

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT TACOMA

**NATHEN BARTON**

Plaintiff/Petitioner

vs.

**J.M.S ASSOCIATE MARKETING LLC., et al.**

Defendant/Respondent

Cause No.: **3:21-cv-05509-RJB**

Hearing Date:

DECLARATION OF SERVICE OF

Summons in a Civil Action; Complaint for a Civil case and Injunctive Relief

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **20th day of July, 2021 at 10:14 AM** at the address of **551 S. Apollo Boulevard, Suite 204, Melbourne, Brevard County, FL 32901**; this declarant served the above described documents upon **J. M.S. Associate Marketing, LLC** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **Josette Selbert, PERSON IN CHARGE, who accepted service with direct delivery, with identity confirmed by subject stating their name, a red-headed white female approx. 55-65 years of age, 5'4"-5'6" tall and weighing 140-160 lbs with glasses..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: **\$75.00**

Declarant hereby states under penalty of perjury under the laws of the State of Florida that the statement above is true and correct.

Date: 07/20/2021



Sandra Patton, Reg. # 375, 18th Judicial Circuit

## ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: Nathen Barton <farmersbranch2014@gmail.com>

Ref #: REF-8449989

Tracking #: 0073433276



# Exhibit C

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT TACOMA

**NATHEN BARTON**

Plaintiff/Petitioner

vs.

**J.M.S ASSOCIATE MARKETING LLC., et al.**

Defendant/Respondent

Cause No.: **3:21-cv-05509-RJB**

Hearing Date:

**AMENDED DECLARATION OF SERVICE OF  
Summons in a Civil Action; Complaint for a Civil case and  
Injunctive Relief**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **20th day of July, 2021 at 10:14 AM** at the address of **551 S. Apollo Boulevard, Suite 204, Melbourne, Brevard County, FL 32901**; this declarant served the above described documents upon **Josette M Selbert** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **Josette M Selbert, Named Defendant, who accepted service with direct delivery, with identity confirmed by subject stating their name, a red-headed white female approx. 55-65 years of age, 5'4"-5'6" tall and weighing 140-160 lbs..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: **\$75.00**

Declarant hereby states under penalty of perjury under the laws of the State of Florida that the statement above is true and correct.

Date: 07/20/2021



Sandra Patton, Reg. # 375, 18th Judicial Circuit

## AMENDED PROOF OF SERVICE

PAGE 1 OF 1



For: Nathen Barton <farmersbranch2014@gmail.com>

Ref #: REF-8449989

Tracking #: 0073433212



# Exhibit D



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
J.M.S. ASSOCIATE MARKETING, LLC

### Filing Information

<b>Document Number</b>	L11000046942
<b>FEI/EIN Number</b>	45-0822809
<b>Date Filed</b>	04/20/2011
<b>Effective Date</b>	04/20/2011
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	REINSTATEMENT
<b>Event Date Filed</b>	10/02/2017

### Principal Address

551 S. APOLLO BOULEVARD  
SUITE 204  
MELBOURNE, FL 32901

**Mailing Address**

551 S. APOLLO BOULEVARD  
SUITE 204  
MELBOURNE, FL 32901

**Registered Agent Name & Address**

SELBERT, JOSETTE M  
551 S. APOLLO BOULEVARD  
SUITE 204  
MELBOURNE, FL 32901

Name Changed: 10/02/2017

**Authorized Person(s) Detail****Name & Address**

Title MGR

SELBERT, JOSETTE M  
551 S. APOLLO BOULEVARD SUITE 204  
MELBOURNE, FL 32901

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2019	02/08/2019
2020	06/11/2020
2021	03/25/2021

**Document Images**

# Exhibit D

[03/25/2021 -- ANNUAL REPORT](#)

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[10/01/2012 -- REINSTATEMENT](#)

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[04/20/2011 -- Florida Limited Liability](#)

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# Exhibit D

Florida Department of State, Division of Corporations



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Jobs



Messaging <sup>4</sup>



Notifications <sup>56</sup>



Me ▼

# Exhibit E

**An MBA From Rice Business - Build your skills in 24 months with an online MBA**



## Josette Selbert

Human Resources Manager at Acudial Marketing, LL C

Palm Bay, Florida, United States ·

[Contact info](#)

66 connections

Message

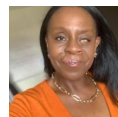
More



State University of New York  
College at Buffalo

### Activity

66 followers



**God Bless you!**

Josette commented



**#Freedom**

Josette shared this



# Exhibit E

## Experience

### Human Resource Manager/Recruiter/Training Manager

JMS ASSOCIATE MARKETING, LLC

Jan 2010 – Present · 11 yrs 8 mos

Recruit, interview, and train sales staff for an outbound Call Center. Manage the daily operations of a telephone sales room. Adhere to Human Resource policies; calculation of payroll, ensure accurate commission payments, benefits administration, policies and procedures. Administer the training of the Sexual Harassment policy. Define the position of JMS Marketing, LLC regarding policies on age, racial, sexual, social, religious and/or discriminatory practices of employees.

### Training Manager/Recruiter

Space Coast Periodicals LLC, CRC of Central Florida

Jan 1998 – Jan 2011 · 13 yrs 1 mo

Managed a high volume inbound and out bound call center. Recruited, hired trained and supervised the Customer Service and Sales Agents. Managed the daily operations of the offices, and ensured tasks were managed efficiently. Developi ...see more

### Senior Service Sales Coordinator-Recruiter

SPS TEMPORARIES INC

Jan 1991 – Jan 1998 · 7 yrs 1 mo

Recruited, interviewed, trained and evaluated employees placed employee's on assignment. Cold called new customers to increase new customer base, by identifying new business opportunities. Provided timely service management to ...see more



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4

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# Exhibit E

## KELLY TEMPORARY SERVICES

Jan 1989 – Jan 1991 · 2 yrs 1 mo

Assessed client staffing needs and matched with qualified temporary employees. Developed and retained business through customer service and sales. Conducted follow-up service calls. Processed unemployment and Worker's Compensatio ...see more

## Medical Personnel Recruitment Consultant

DURHAM MEDICAL SEARCH INC

Jan 1986 – Jan 1989 · 3 yrs 1 mo

Recruited and placed Physicians in private practice and hospitals located throughout the U.S. Contacted members of Residency and Fellowship programs to increase the database of Physicians to place in various practices, to fill vacancies. Cold call ...see more

Show 1 more experience

## Education



### State University of New York College at Buffalo

Bachelor of Science (BS), Business Administration

1971 – 1975

### Bishop McMahon High School

Regents Diploma, General Business

1967 – 1971



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# Exhibit E





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Ad ...

Get the latest jobs and industry news



Nathan, explore relevant opportunities with Wingstop Restaurants Inc.

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## People also viewed



**Helen McVicker** • 3rd  
Resource Manager at GDIT

Message



**Ameze QUEEN** • 3rd+  
ACA, IIA, NIM, Accounting software consultant.

Message



**劉蕙芳** • 3rd+  
無

Message



**Zuo Zhang** • 2nd+



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# Exhibit E



**杨富新(luckiyang)** • 3rd

科智美 - IE经理

Message

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### People you may know



**Abidur Rahman**

Design Manager, Distinguished Member Of Technical Staff at TI

Connect



**Christian Basse**

Product Engineering Manager at Texas Instruments

Connect



**Ki-Don Lee**

Senior Manager at Samsung Austin Semiconductor

Connect



**Viji Devarajan**

Design Manager at Texas Instruments

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**Barkai Bhadani**



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**How Marketers Collect and Use Your Data**

9,289 viewers



**Job Hunting for College Grads**

6,452 viewers

Show more on LinkedIn Learning



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# Exhibit E





Home



My Network



Jobs

Customers prefer Affirm - Affirm can help you unlock higher conversion, AOV,

# Exhibit F

## Jennifer Monroe

Student at Eastern Florida State College

Sebastian, Florida, United States ·

[Contact info](#)

14 connections

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Message

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JMS Marketing, LLC



Eastern Florida State College

## About

Main objective is to secure a lasting and rewarding career in the field of Medical Office Administration. Knowledge in using Medical Terminology, Quickbooks, Microsoft Office 2016, and composing Medical Documents from completi ... see more

## Activity

14 followers

Posts Jennifer created, shared, or commented on in the last 90 days are displayed here.

[See all activity](#)



### Customer Service Representative

JMS Marketing, LLC

Oct 2019 – Nov 2019 · 2 mos

Melbourne, Florida

Received Outbound and Inbound calls for Vivid Hear for sale of Hearing Aids; Maintain positive attitude and confidence during escalations; Process individual orders accurately and according to the customers preferences

### Sales Associate

Handworks Gallery

Jun 2002 – Nov 2002 · 6 mos

Handled new shipments of products; Validated invoices with merchandise and priced accordingly; Designed products in display windows; Assisted in ordering products; Operated cash register and credit card machine; Handled closing out the

### Waitress

Bronte Bistro at Joseph-Beth Booksellers

Jun 2001 – Nov 2001 · 6 mos

Waited on tables and took guests orders; Served food and drinks to guests; Stocked food prep area before shift

### Consignment Associate/ Cashier

Elliott Consignment

Nov 2000 – Apr 2001 · 6 mos

Handled consignments for store as needed; Operated cash register and managed money; Opened and closed store

### Sales Associate/ Cashier

Black Ink

Jun 1999 – Jun 2000 · 1 yr 1 mo

Validated invoices with merchandise and priced accordingly; Designed products in display windows; Ordered products; Operated cash register and credit card machine; Opened and closed store; Logged earnings and validated figures

Show 1 more experience



### Eastern Florida State College

Associate in Science Degree, Medical Office Administration  
2011 – 2020

Activities and Societies: President's List 2012-2016, Phi Theta  
Kappa Honor Society



### Youngstown State University

1998 – 1999

### Mahoning County Joint Vocational School

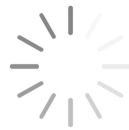
High School, Visual Arts and Design, GPA 3.846  
1996 – 1998

Activities and Societies: Senior Commercial Art Class President,  
Vocational Industrial Clubs of America, VoPro Student Tour  
Guide, Peer Mediator, National Honor Society

PC Skills – Office 365 and Adobe Photoshop; Illustrator – marker  
rendering, airbrushing rendering, ink, calligraphy; Photography –  
camera operations, film developing and printing, photo  
retouching; Painter – oils, watercolor, acrylic; Design - produce  
camera ready ad layouts, logo designing

Show 1 more education





Ad ...

Ready for your next opportunity?



Nathan, ready for your dream job?

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### People also viewed



**LeeAnn Groves** • 3rd+

Assistant Practice Manager at Northeast Ohio Orthopedics

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**Christine Videtic** • 3rd

Regional Account Manager at Greenbrook TMS NeuroHealth Centers



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**Elizabeth Gilbert** • 3rd+

Graphic Designer

Connect



**Kirk Bregar** • 3rd

Owner at Bregar Machine and Industrial Maintenance

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### People you may know



**Vijay Rentala**

TI Fellow, Engineering Manager, Mixed Signal Processor Business Unit, Texas Instruments

Connect



**Alan Holden**

Engineer

Connect



**Vinay Mishra**

Senior Recruiter at Iris Software Inc.

Connect



**Srinadh Madhavapeddi**

Member Group Technical Staff at Texas Instruments

Connect



**Roger Liang**

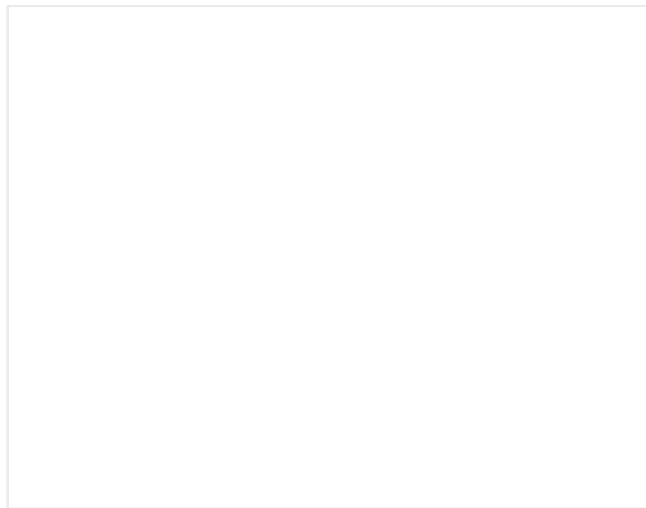
Major OEM sales director at GoerTek Inc.

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# Exhibit F





# Exhibit G



≡ MENU

## Contact us

Need more help? Email us by using the form below or call us at [☎ 855-530-HEAR](tel:855-530-HEAR)

Name \*

Email \*

Phone \*

Message \*

SEND

# Exhibit G



Be part of the conversation! Participate with confidence. We hope you enjoy life just a bit more being able to hear clearly.

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## Contact

 551 S Apollo Blvd Ste 204  
Melbourne, FL 32901

 Phone: 855-530-HEAR

 Email: [info@vividhear.com](mailto:info@vividhear.com)

# Exhibit G