

IN THE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL HUMAN

Plaintiff,

vs.

FISHER INVESTMENTS, INC.

Defendants.

)
)
)
)
)
)
)
)
)
)
)

Case No. 4:24-cv-01177 MTS

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF DANIEL HUMAN'S
MOTION FOR SUMMARY JUDGMENT ON DEFENDANT FISHER INVESTMENTS,
INC.'S COUNTERCLAIM FOR FRAUD**

Respectfully submitted,

/s/Edwin V. Butler
Edwin V. Butler Mo. 32489
Attorney At Law
Butler Law Group, LLC
1650 Des Peres Rd., Suite 220
St. Louis, MO 63131
edbutler@butlerlawstl.com
(314) 504-0001

Attorney for the Plaintiff

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. STANDARD OF REVIEW.....2

III. ARGUMENT.....4

 A. DEFENDANT FISHER INVESTMENTS, INC. HAS FAILED TO PRODUCE ANY EVIDENCE MEETING THE ELEMENTS OF FRAUD, ENTITLING PLAINTIFF TO SUMMARY JUDGMENT.....4

 B. PLAINTIFF IS ENTITLED TO SUMMARY JUDGMENT AND SANCTIONS BECAUSE DEFENDANT FISHER INVESTMENTS, INC. REPEATEDLY MISREPRESENTED TO THE COURT THAT IT POSSESSED SUBSTANTIAL EVIDENCE OF FRAUD WHEN IT ADMITTEDLY HAS NONE.....9

 C. EVEN ASSUMING ARGUENDO AN ADVERSE INFERENCE FROM SPOLIATION, SUCH INFERENCE ALONE CANNOT DEFEAT SUMMARY JUDGMENT WITHOUT OTHER SUBSTANTIAL EVIDENCE, WHICH IS ABSENT HERE.....11

IV. CONCLUSION.....16

TABLE OF CASES

Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986).....2, 3

Aton Ctr., Inc. v. Reg'l Care Servs. Corp., 528 S.W.3d 442 (Mo. Ct. App. 2017).....5

Buder v. Fishel, 143 F.2d 533 (8th Cir. 1944).....5

Burgos v. Satiety, Inc., No. 10-CV-2680, 2013 WL 801729 (E.D.N.Y. Mar. 5, 2013).....13, 14

Byrnie v. Town of Cromwell, Bd. of Educ., 243 F.3d 93 (2d Cir. 2001).....12, 13

Celotex Corp. v. Catrett, 477 U.S. 317 (1986).....2, 3

Chin v. Port Auth. of N.Y., 685 F.3d 135 (2d Cir. 2012).....13

Creighton v. City of New York, 2017 WL 636415 (E.D.N.Y. Feb. 14, 2017).....14

Davis v. United States, 402 F. App'x 915 (5th Cir. 2010).....14

Fiala v. B & B Enters., 738 S.W.2d 879 (Mo. Ct. App. 1987).....5

Gannon Int'l, Ltd. v. Blocker, 684 F.3d 785 (8th Cir. 2012).....5

Hess v. Chase Manhattan Bank, USA, N.A., 220 S.W.3d 758 (Mo. banc 2007).....5

Jeffries v. Barr, 965 F.3d 843 (D.C. Cir. 2020).....14

Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986).....3

McMunn v. Babcock & Wilcox Power Generation Grp., Inc., 869 F.3d 246 (3d Cir. 2017).13, 14

Mills v. Iowa, 924 F. Supp. 2d 1091 (S.D. Iowa 2013).....5

Neal v. IMC Holdings, LLC, 2021 WL 5486734 (W.D. Mo. Nov. 22, 2021).....5

Pospisil v. O'Reilly Auto., Inc., 619 F.3d 880 (8th Cir. 2010).....5

Renaissance Leasing, LLC v. Vermeer Mfg. Co., 322 S.W.3d 112 (Mo. banc 2010).....5

Ritchie Capital Mgmt., L.L.C. v. Jeffries, 653 F.3d 755 (8th Cir. 2011).....5

Scott v. Harris, 550 U.S. 372 (2007).....3

Sofka v. Thal, 662 S.W.2d 502 (Mo. banc 1983).....5

I. INTRODUCTION

This case arises from Defendant Fisher Investments, Inc.'s ("Fisher") unsolicited telemarketing calls to Plaintiff Daniel Human's private residential cellular phone, which is registered on both the National and Missouri Do Not Call Registries. (Statement of Uncontroverted Material Facts ("SUMF") ¶¶ 4-5, 9-10; First Amended Complaint ("FAC") ECF No. 33, p. 8 ¶31, p. 9 ¶32; Human Aff. ¶¶3,6-7; Ex. D – No Call Registries; Ex. E – telemarketer telephone call notes). Plaintiff filed suit alleging violations of the Telephone Consumer Protection Act ("TCPA") and Missouri No Call laws. (FAC ECF No. 33, pp. 1-2 ¶¶1-2). In retaliation, Fisher filed a counterclaim accusing Plaintiff of fraud, alleging he or someone on his behalf submitted a lead form on www.smartasset.com to manufacture TCPA claims. (Counterclaim ("CC") ECF No. 45, p. 1 ¶2, p. 5 ¶¶16-17).

Despite extensive discovery, including repeated extensions granted to Fisher (see ECF Nos. 28, 34, 38, 40, 43, 82, 89, 130-131, 134, 137), Fisher has produced no evidence of fraud. (SUMF ¶¶21,25,39,41-42,45-46; Human Aff. ¶¶21,39,41-42). Fisher's only "evidence" consists of phone records (which show calls but no fraud), a Smart Asset lead (lacking Plaintiff's name, address, IP address, or geo-location, originating in Canada from an unknown party), and its counsel's bills exceeding \$150,000.00 (irrelevant to fraud). (SUMF ¶¶36,39-41,43; Human Aff. ¶¶36,39; Ex. C – Smart Asset lead; Ex. F – Smart Asset lead; Ex. G – Trestle Report redacted). Plaintiff has never visited smartasset.com, provided consent, or authorized anyone to do so. (SUMF ¶¶27-28,31-32; Human Aff. ¶¶27-28; Ex. F – Smart Asset lead).

Even assuming arguendo an adverse inference from Plaintiff's discard of a broken computer (SUMF ¶¶30-35; Human Aff. ¶¶30-34), such inference cannot defeat summary

judgment without other substantial evidence which Fisher lacks. (SUMF ¶¶39,41,43,45-46; Human Aff. ¶¶39,41-42). Fisher has repeatedly misrepresented to the Court possessing "significant and substantial evidence" of fraud, warranting sanctions. (SUMF ¶¶42,46; Human Aff. ¶¶38,40,42; ECF Nos. 45 p.1 ¶¶3-4, 130-131, 134, 137). Summary judgment is warranted.

II. STANDARD OF REVIEW

Summary judgment is appropriate under Federal Rule of Civil Procedure 56(c) when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The movant bears the initial burden of showing the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once met, the nonmovant must "come forward with specific facts showing that there is a genuine issue for trial." *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (internal quotation omitted). The court views facts in the light most favorable to the nonmovant, but "mere allegations" or "unsupported assertions" are insufficient; the nonmovant must provide "affirmative evidence." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 257 (1986).

In fraud cases, this standard is rigorously applied where there is not a scintilla of evidence supporting the claim. See *Scott v. Harris*, 550 U.S. 372, 380 (2007) (summary judgment proper where opponent's version "utterly discredited" by record). Fraud requires clear and convincing evidence of: (1) a false representation; (2) the speaker's knowledge of its falsity; (3) the speaker's intent that it be acted upon; (4) the hearer's ignorance of its falsity; (5) the hearer's reliance; (6) the hearer's right to rely; and (7) consequent injury. *Hess v. Chase Manhattan Bank, USA, N.A.*, 220 S.W.3d 758, 765 (Mo. banc 2007); see also *Sofka v. Thal*, 662 S.W.2d 502, 506 (Mo. banc 1983). Speculation or conjecture cannot create a genuine issue. *Celotex*, 477 U.S. at 324.

Missouri appellate courts affirm summary judgment in fraud cases absent any evidence of these elements. See *Aton Ctr., Inc. v. Reg'l Care Servs. Corp.*, 528 S.W.3d 442, 447 (Mo. Ct. App. 2017) (affirming where no evidence of falsity or reliance); *Fiala v. B & B Enters.*, 738 S.W.2d 879, 882 (Mo. Ct. App. 1987) (affirming where "not a scintilla of evidence" supported fraud). The Eighth Circuit similarly grants summary judgment where fraud claims lack evidentiary support. See *Gannon Int'l, Ltd. v. Blocker*, 684 F.3d 785, 794 (8th Cir. 2012) (affirming where no evidence of intent or reliance); *Pospisil v. O'Reilly Auto., Inc.*, 619 F.3d 880, 884 (8th Cir. 2010) (affirming where "no evidence" of falsity); *Ritchie Capital Mgmt., L.L.C. v. Jeffries*, 653 F.3d 755, 764 (8th Cir. 2011) (affirming where claims "unsupported by evidence"); *Buder v. Fishel*, 143 F.2d 533, 535 (8th Cir. 1944) (affirming where "no substantial evidence" of fraud).

Federal courts nationwide grant summary judgment in fraud cases with no evidence adduced. See *Neal v. IMC Holdings, LLC*, No. 19-06137-CV-SJ-SRB, 2021 WL 5486734, at *6 (W.D. Mo. Nov. 22, 2021) (granting where "no evidence" of misrepresentation); *Mills v. Iowa*, 924 F. Supp. 2d 1091, 1118 (S.D. Iowa 2013) (granting where "no evidence whatsoever" of fraud); *Renaissance Leasing, LLC v. Vermeer Mfg. Co.*, 322 S.W.3d 112, 134 (Mo. banc 2010) (affirming where no evidence of injury).

III. ARGUMENT

A. DEFENDANT FISHER INVESTMENTS, INC. HAS FAILED TO PRODUCE ANY EVIDENCE MEETING THE ELEMENTS OF FRAUD, ENTITLING PLAINTIFF TO SUMMARY JUDGMENT

Fisher alleges Plaintiff fraudulently submitted a lead form to induce calls and manufacture claims. (CC ECF No. 45, p. 5 ¶¶22-23). But Fisher has never produced evidence of fraud, despite repeated discovery extensions. (SUMF ¶¶21,25,39,41-42,45-46; Human Aff.

¶¶21,39,41-42; ECF Nos. 28, 34, 38, 40, 43, 82, 89, 130-131, 134, 137). Fisher's responses admit no further evidence exists. (SUMF ¶¶41,45; Human Aff. ¶41; ECF No. 134).

No evidence supports falsity: The Smart Asset lead lacks Plaintiff's name, address, IP, or geo-location, originating in Canada from an unknown party. (SUMF ¶¶36,40-41; Human Aff. ¶¶36-37; Ex. F – Smart Asset lead; Ex. G – Trestle Report redacted). Phone records show calls but no fraud. (SUMF ¶¶17,39,43; Human Aff. ¶39; Ex. A – Verizon Phone Records). Counsel's bills exceed \$150,000.00 but prove only billing, not fraud. (SUMF ¶43; Human Aff. ¶39). Plaintiff never visited the site or consented. (SUMF ¶¶27-28,31-32; Human Aff. ¶¶27-28).

No evidence of knowledge or intent: Fisher speculates without proof. (CC ECF No. 45, p. 5 ¶23). Plaintiff irrefutably denies intent. (SUMF ¶¶27-29,31-32; Human Aff. ¶¶27-29).

No evidence of reliance or injury: Fisher's "reliance" on a non-matching lead from Canada is unsubstantiated. (SUMF ¶¶36,40-41; Human Aff. ¶¶36-37; Ex. G – Trestle Report redacted). More importantly, Fisher's bills are self-inflicted, not fraud induced. (SUMF ¶43; Human Aff. ¶39).

Missouri courts grant summary judgment absent fraud evidence. *Aton Ctr.*, 528 S.W.3d at 447 (no falsity evidence); *Fiala*, 738 S.W.2d at 882 (no scintilla). The Eighth Circuit Court of Appeals agrees. *Gannon*, 684 F.3d at 794 (no intent); *Pospisil*, 619 F.3d at 884 (no falsity); *Ritchie*, 653 F.3d at 764 (unsupported); *Buder*, 143 F.2d at 535 (no substantial evidence). Other federals follow in cases of no evidence of fraud. *Neal*, 2021 WL 5486734, at *6 (no misrepresentation); *Mills*, 924 F. Supp. 2d at 1118 (no evidence); *Renaissance Leasing*, 322

S.W.3d at 134 (no injury). There is not a modicum of evidence that Daniel Human did anything in this case except file a meritorious lawsuit for telemarketer violations.

B. PLAINTIFF IS ENTITLED TO SUMMARY JUDGMENT AND SANCTIONS BECAUSE DEFENDANT FISHER INVESTMENTS, INC. REPEATEDLY MISREPRESENTED TO THE COURT THAT IT POSSESSED SUBSTANTIAL EVIDENCE OF FRAUD WHEN IT ADMITTEDLY HAS NONE

Fisher repeatedly claimed "significant and substantial evidence" of fraud but produced none. (SUMF ¶¶42,46; Human Aff. ¶¶38,40,42; CC ECF No. 45 p.1 ¶¶3-4; ECF Nos. 130-131, 134, 137). Despite extensions, Fisher admits no evidence beyond irrelevant items. (SUMF ¶¶39, 41, 43, 45; Human Aff. ¶¶39,41). Blatant and intentional misrepresentations to this Court warrant summary judgment and sanctions under inherent powers – perhaps even striking the Defendants pleadings. See Fed. R. Civ. P. 11(c); 28 U.S.C. § 1927. Fisher's baseless claims prolonged litigation unnecessarily, prejudiced Mr. Human and his counsel and were purely retaliatory.

C. EVEN ASSUMING ARGUENDO AN ADVERSE INFERENCE FROM SPOILIATION, SUCH INFERENCE ALONE CANNOT DEFEAT SUMMARY JUDGMENT WITHOUT OTHER SUBSTANTIAL EVIDENCE, WHICH IS ABSENT HERE

Plaintiff admittedly discarded a broken computer unknowingly. (SUMF ¶¶30-35; Human Aff. ¶¶30-34). Assuming arguendo adverse inference, it cannot substitute for proof, particularly to defeat a summary judgment motion. *Byrnie v. Town of Cromwell, Bd. of Educ.*, 243 F.3d 93, 110 (2d Cir. 2001) (adverse inference from spoliation "does not substitute for proof of unfavorability" and "does not avail [plaintiff] in defeating summary judgment" without evidence of favorability); *Chin v. Port Auth. of N.Y.*, 685 F.3d 135, 152 (2d Cir. 2012) (inference restores position but "does not prove the case" or substitute for required evidence); *McMunn v. Babcock*

& Wilcox Power Generation Grp., Inc., 869 F.3d 246, 267 (3d Cir. 2017) (even assuming inference from destruction, "still not sufficient to defeat summary judgment" absent genuine dispute); Davis v. United States, 402 F. App'x 915, 918 (5th Cir. 2010) (adverse inference assertions "not sufficient to defeat summary judgment" without substantive proof); Burgos v. Satiety, Inc., No. 10-CV-2680, 2013 WL 801729, at *6 (E.D.N.Y. Mar. 5, 2013) (inference "not sufficient to defeat summary judgment" without showing destroyed evidence's value); Creighton v. City of New York, No. 12-CV-7454, 2017 WL 636415, at *27 (E.D.N.Y. Feb. 14, 2017) (inference appropriate but "not sufficient to defeat summary judgment"); Jeffries v. Barr, 965 F.3d 843, 859 (D.C. Cir. 2020) (denial of inference proper at summary judgment where it creates no substantive proof).

Eighth Circuit and Missouri precedents align, requiring substantial evidence beyond inference. See *Ritchie*, 653 F.3d at 764 (unsupported claims fail); *Aton Ctr.*, 528 S.W.3d at 447 (no evidence defeats fraud claim).

IV. CONCLUSION

WHEREFORE, Mr. Human prays this Court grant summary judgment in his favor on Defendant Fisher's counterclaim, that Fisher endure severe sanction for its deliberate misrepresentations to this Court; that Mr. Human be granted his Costs and Attorney Fees for being forced to defend against Fisher's retaliatory and baseless claim, and for such further relief deemed just in the circumstances.

Respectfully submitted,

/s/Edwin V. Butler

Edwin V. Butler Mo. 32489

Attorney At Law

Butler Law Group, LLC

1650 Des Peres Rd., Suite 220

St. Louis, MO 63131

edbutler@butlerlawstl.com

(314) 504-0001 Attorney for the Plaintiff

Certificate of Service

I hereby certify that the above and foregoing Motion was served electronically on this 2nd day of September, 2025, on the Attorneys of record for the Defendants through the Court's ECF/CM filing and notification system.

/s/Edwin V. Butler

Edwin V. Butler

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[REDACTED]

2024/07/01 21:51:49(C 7/1/2024 21:51 MT #

[REDACTED]

[REDACTED]

12083901355

[REDACTED]

[REDACTED]

18006828096 9 LTE

[REDACTED]

[REDACTED]

N/A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2024/06/24 15:32:45(C 6/24/2024 15:32 MF #

12083901355

18006811312 # LTE

N/A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2024/07/12 19:06:56(C 7/12/2024 19:06 MF #

12083901355

18006828096 # LTE

N/A

2024/07/09 15:28:08(C 7/9/2024 15:28 MF #

12083901355

18006828096 # LTE

N/A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2024/06/27 19:45:06(C 6/27/2024 19:45 MF #

12083901355

18006811312 4 LTE

N/A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NE/V4B

CHASE

Printed from Chase Personal Online

Southwest Plus ([REDACTED])

Transactions

Showing Last year ▼

Date T	Description C	Category		Amount C
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
Dec 02, 2024	STRAIGHTTALK*SERVICES	Bills & utilities	▼	\$38.38
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
Nov 02, 2024	STRAIGHTTALK*SERVICES	Bills & utilities	▼	\$38.38
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]

Date	Description	Category		Amount
Jul 05, 2024	STRAIGHTTALK*SERVICES	Bills & utilities	▼	\$38.36
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
Jun 05, 2024	STRAIGHTTALK*SERVICES	Bills & utilities	▼	\$38.65
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]
[REDACTED]	[REDACTED]	—		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	■	[REDACTED]

50 of 71 transactions

[See more activity](#)



JPMorgan Chase Bank, N.A. Member FDIC

©2025 JPMorgan Chase & Co

Equal Opportunity Lender

account_id	acknowledgement_date	advisor_crd	advisor_id	advisor_name	deployed_time_etz	digital_event_id	firm_crd	firm_name	investor_name	investor_session_id	match_id	my_row_id	network_id	network_name	sent_to_advisor
6335	2024-06-17T15:51:41	107342	4456	Fisher Investments	2024-06-18T09:59:08	45465e43-b8dd-4e6d-a33f-0eee3b80762a	107342	Fisher Investments	Veronica Moreno	13262327	1.50E+08	74849005	68	Fisher Investments	Yes

No-Call Registration Lookup

The following registration information has been found on the No-Call List:

Original Registration Date	Number	Registered By (initials)
1/25/2023	(208) 390-1355	DAH

This number is registered and has been active on the No-Call List since 4/1/2023.

For more information about the No-Call List Read the No-Call FAQs. (</divisions/consumer/no-call/no-call-faqs>)

[Lookup Another Number \(/app/NoCallRegistration/Lookup\)](/app/NoCallRegistration/Lookup)

National Do Not Call Registry - Your Registration Is Confirmed

Verify@DonotCall.gov <Verify@DonotCall.gov>

Fri 10/27/2023 2:09 PM

To:dh68litigation@yahoo.com <dh68litigation@yahoo.com>

Thank you for registering your phone number with the National Do Not Call Registry. You successfully registered your phone number ending in 1355 on February 02, 2023. Most telemarketers will be required to stop calling you 31 days from your registration date.

Visit <http-s://www.donotcall.gov> to register another number or file a complaint against someone violating the Registry.

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.

Task **Left Voicemail Veronica Moreno** + Follow Completed Cancel

Client Name(s) Related To
[Veronica Moreno](#)

Details

Assigned To	Teddy Parks		Status	Completed	
Subject	Left Voicemail Veronica Moreno		Close Reason	Completed	
IC Call Date			Client Name(s)	Veronica Moreno	
Due Date	7/17/2024		Related To		
Priority	Medium		Household		
Task Age	177.00		Task Complete Timestamp	7/17/2024, 9:14 AM	
Category			Past Due	<input type="checkbox"/>	
Subcategory					
Financial Account					
Activity Currency	USD - U.S. Dollar				
Response ID					
Expected Funding					
Created By	Teddy Parks , 7/17/2024, 9:14 AM		Last Modified By	Teddy Parks , 7/17/2024, 9:14 AM	
Comments	TT male said he is in the middle of work and HU. not able to identify if right number task				

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

[Made Call, No Message Veronica Moreno](#)

- **Assigned to:** Teddy Parks

07/22/2024, 12:35 PM

task 7 es

[Email: Fisher Investments – Are you evaluating options?](#)

- **Assigned to:** Teddy Parks

Additional To: vmoreno43@gmail.com

CC:

BCC:

Attachment: [fi_logo_green.png](#)

Subject: Fisher Investments Are you evaluating options?

Body:

Hi Veronica,

Our fiduciary service aligned with your responses to the investor questionnaire you filled out. I help folks identify if scheduling a local review would make sense.

Fisher_000002

When can we speak for five minutes?

Thank you,

Ted

Theodore Parks

Senior Account Executive

8115263

PLEASE READ: The material contained in this email is confidential and solely for the use of the intended recipient. Please do not forward this email to others. Investment in securities involves the risk of loss. Past performance is no guarantee of future returns. Fisher Investments (FI) is not a broker-dealer and cannot provide assurances and makes no representations or warranties as to the timing or price terms for the purchase or sale of particular securities. Market conditions and liquidity constraints may make it difficult to execute certain trades and FI will attempt to do so on a best efforts basis. FI is not responsible for errors or omissions in links from non-affiliated websites or other publicly available third party material provided. Third party information provided by FI does not necessarily reflect the view of FI or its employees. All email sent to or from this address will be received or otherwise recorded by FIs corporate email system and is subject to archival, monitoring or review by, and/or disclosure to, someone other than the recipient. FI's privacy policy can be found at <https://www.fisherinvestments.com/en-us/privacy>

WARNING: For your own protection, avoid sending identifying information such as social security or account numbers to us or others via email. Do not send time-sensitive, action-oriented messages, such as transaction requests, via email as it is our policy not to accept such items electronically.

Fisher_000003

[Left Voicemail Veronica Moreno](#)

- **Assigned to:** Teddy Parks

07/17/2024, 09:14 AM

TT male

said he is in the middle of work and HU. not able to identify if right number

task

[Made Call, No Message Veronica Moreno](#)

- **Assigned to:** Teddy Parks

07/12/2024, 12:07 PM

task 5 F

[Left Voicemail Veronica Moreno](#)

- **Assigned to:** Teddy Parks

07/9/2024, 08:28 AM

task 4 F

[Made Call, No Message Veronica Moreno](#)

- **Assigned to:** Teddy Parks

07/1/2024, 02:51 PM

task 3

[Made Call, No Message Veronica Moreno](#)

- **Assigned to:** Teddy Parks

06/27/2024, 12:45 PM

task 2 es

[Email: Ted | Fisher Investments Private Client Group](#)

- **Assigned to:** Teddy Parks

Additional To: vmoreno43@gmail.com

CC:

BCC:

Attachment: [fi_logo_green.png](#)

Subject: Ted | Fisher Investments Private Client Group

Body:

Hi Veronica,

I work with our Private Client Group local to you, and I saw Fisher Investments came back as one of the top recommended local Financial Advisors for you based on your responses submitted to an online investor questionnaire.

Fisher_000005

I'm following up to learn more about your situation, and more about what your looking for right now to see how we might be able to help you.

Is there a good time I can reach you this week or next for an introductory discussion?

Thanks so much!

Ted

Theodore Parks

Senior Account Executive

8115263

PLEASE READ: The material contained in this email is confidential and solely for the use of the intended recipient. Please do not forward this email to others. Investment in securities involves the risk of loss. Past performance is no guarantee of future returns. Fisher Investments (FI) is not a broker-dealer and cannot provide assurances and makes no representations or warranties as to the timing or price terms for the purchase or sale of particular securities. Market conditions and liquidity constraints may make it difficult to execute certain trades and FI will attempt to do so on a best efforts basis. FI is not responsible for errors or omissions in links from non-affiliated websites or other publicly available third party material provided. Third party information provided by FI does not necessarily reflect the view of FI or its employees. All email sent to or from this address will be received or otherwise recorded by FIs corporate email system and is subject to archival, monitoring or review by, and/or disclosure to, someone other than the recipient. FI's privacy policy can be found at <https://www.fisherinvestments.com/en-us/privacy>

WARNING: For your own protection, avoid sending identifying information such as social security or account numbers to us or others via email. Do not send time-sensitive, action-oriented messages, such as transaction requests, via email as it is our policy not to accept such items electronically.

[Left Voicemail Veronica Moreno](#)

- **Assigned to:** Teddy Parks

06/24/2024, 08:33 AM

task 1

[Marketing Response](#)

- **Assigned to:** Kingsway Service

06/18/2024, 11:59 AM

Task **Made Call, No Message Veronica Moreno** + Follow Completed Cancel

Client Name(s) [Veronica Moreno](#) Related To

Details

Assigned To	Teddy Parks	Status	Completed
Subject	Made Call, No Message Veronica Moreno	Close Reason	Completed
IC Call Date		Client Name(s)	Veronica Moreno
Due Date	7/22/2024	Related To	
Priority	Medium	Household	
Task Age	172.00	Task Complete Timestamp	7/22/2024, 12:35 PM
Category		Past Due	<input type="checkbox"/>
Subcategory			
Financial Account			
Activity Currency	USD - U.S. Dollar		
Response ID			
Expected Funding			
Created By	Teddy Parks , 7/22/2024, 12:35 PM	Last Modified By	Teddy Parks , 7/22/2024, 12:35 PM
Comments	task 7 es		

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task

Email: Fisher Investments – Are you evaluating options?

+ Follow
✓ Completed
Cancel

Client Name(s)
[Veronica Moreno](#)
Related To

Details

Task Information

Subject	Email: Fisher Investments – Are you evaluating options?	IC Call Date	
Assigned To	Teddy Parks	Due Date	7/22/2024
Client Name(s)	Veronica Moreno	Related To	
Household		Task Complete Timestamp	7/22/2024, 12:41 PM
Task Age	172.00	Category	
Past Due	<input type="checkbox"/>	Subcategory	
Activity Currency	USD - U.S. Dollar	Comments	
Response ID		Additional To: vmoreno43@gmail.com CC: BCC: Attachment: fi_logo_green.png Subject: Fisher Investments – Are you evaluating options? Body: Hi Veronica, Our fiduciary service aligned with your responses to the investor questionnaire you filled out. I help folks identify if scheduling a local review would make sense. When can we speak for five minutes? Thank you, Ted Theodore Parks Senior Account Executive 8115263 PLEASE READ: The material contained in this email is confidential and solely for the use of the intended recipient. Please do not forward this email to others. Investment in securities involves the risk of loss. Past performance is no guarantee of future returns. Fisher Investments ("FI") is not a broker-dealer and cannot provide assurances and makes no representations or warranties as to the timing or price terms for the purchase or sale of particular securities. Market conditions and liquidity constraints may make it difficult to execute certain trades and FI will attempt to do so on a best efforts basis. FI is not responsible for errors or omissions in links from non-affiliated websites or other publicly available third party material provided. Third party information provided by FI does not necessarily reflect the view of FI or its employees. All email sent to or from this address will be received or otherwise recorded by FI's corporate email system and is subject to archival, monitoring or review by, and/or disclosure to, someone other than the recipient. FI's privacy policy can be found at https://www.fisherinvestments.com/en-us/privacy	
Expected Funding			

Additional Information

Priority	Medium
Status	Completed
Close Reason	Completed

Other Information

Reminder Set	No reminder is set	Create Recurring Series of Tasks	<input type="checkbox"/>
--------------	--------------------	----------------------------------	--------------------------

System Information

Created By	Teddy Parks , 7/22/2024, 12:41 PM	Last Modified By	Teddy Parks , 7/22/2024, 12:41 PM
------------	---	------------------	---

Interaction Summaries

Interaction Summary Name

Interaction Notes

Owner Name

Relate an Interaction

No Interaction Summary found.

Fisher_000009

Task **Left Voicemail Veronica Moreno** + Follow Completed Cancel

Client Name(s) Related To
[Veronica Moreno](#)

Details

Assigned To	Teddy Parks	✎	Status	Completed	✎
Subject	Left Voicemail Veronica Moreno	✎	Close Reason	Completed	✎
IC Call Date		✎	Client Name(s)	Veronica Moreno	✎
Due Date	6/24/2024	✎	Related To		✎
Priority	Medium	✎	Household		
Task Age	200.00		Task Complete Timestamp		
Category		✎	Past Due	<input type="checkbox"/>	
Subcategory		✎			
Financial Account		✎			
Activity Currency	USD - U.S. Dollar	✎			
Response ID		✎			
Expected Funding		✎			
Created By	Teddy Parks , 6/24/2024, 8:33 AM		Last Modified By	Teddy Parks , 6/24/2024, 8:33 AM	
Comments	task 1	✎			

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task
Marketing Response

+ Follow Completed Cancel

Client Name(s) Related To

[Veronica Moreno](#)

Details

▼ Details

Client Name(s) Veronica Moreno ✎	Related To ✎
---	---

▼ Marketing Response Information

Response Country: United States	Declined: <input type="checkbox"/>
Response Date: 6/18/2024, 2:59 PM	Eligible: <input checked="" type="checkbox"/>
Response Type: Initial Contact	Qualified: <input checked="" type="checkbox"/>
Response Method: Web	Language: English
Wishes: Request Appointment & Send Information	Attributes
Offer: No offer requested - Seeking an adviser	Marketing Note
Asset Value: Unknown	Comments ✎
Consent	Completed Date/Time: 6/18/2024, 11:31 AM
Consent Purpose: Text & Call Recording	

▼ Status Details:

Due Date: 6/18/2024 ✎	Status: Completed ✎
Subject: Marketing Response ✎	Priority: Medium ✎

▼ System Information:

Created By: Kingsway Service , 6/18/2024, 11:31 AM	Assigned To: Kingsway Service ✎
--	--

Interaction Summaries

Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task

Email: Ted | Fisher Investments Private Client Group

+ Follow
Completed
Cancel

Client Name(s)
[Veronica Moreno](#)
Related To

Details

Task Information

<table border="0" style="width: 100%;"> <tr><td style="width: 15%;">Subject</td><td style="width: 65%;">Email: Ted Fisher Investments Private Client Group</td><td style="width: 20%; text-align: right;">✎</td></tr> <tr><td>Assigned To</td><td> Teddy Parks</td><td style="text-align: right;">✎</td></tr> <tr><td>Client Name(s)</td><td>Veronica Moreno</td><td style="text-align: right;">✎</td></tr> <tr><td>Household</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Task Age</td><td>197.00</td><td style="text-align: right;">✎</td></tr> <tr><td>Past Due</td><td><input type="checkbox"/></td><td style="text-align: right;">✎</td></tr> <tr><td>Activity Currency</td><td>USD - U.S. Dollar</td><td style="text-align: right;">✎</td></tr> <tr><td>Response ID</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Expected Funding</td><td></td><td style="text-align: right;">✎</td></tr> </table>	Subject	Email: Ted Fisher Investments Private Client Group	✎	Assigned To	Teddy Parks	✎	Client Name(s)	Veronica Moreno	✎	Household		✎	Task Age	197.00	✎	Past Due	<input type="checkbox"/>	✎	Activity Currency	USD - U.S. Dollar	✎	Response ID		✎	Expected Funding		✎	<table border="0" style="width: 100%;"> <tr><td>IC Call Date</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Due Date</td><td>6/27/2024</td><td style="text-align: right;">✎</td></tr> <tr><td>Related To</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Task Complete Timestamp</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Category</td><td></td><td style="text-align: right;">✎</td></tr> <tr><td>Subcategory</td><td></td><td style="text-align: right;">✎</td></tr> </table>	IC Call Date		✎	Due Date	6/27/2024	✎	Related To		✎	Task Complete Timestamp		✎	Category		✎	Subcategory		✎
Subject	Email: Ted Fisher Investments Private Client Group	✎																																												
Assigned To	Teddy Parks	✎																																												
Client Name(s)	Veronica Moreno	✎																																												
Household		✎																																												
Task Age	197.00	✎																																												
Past Due	<input type="checkbox"/>	✎																																												
Activity Currency	USD - U.S. Dollar	✎																																												
Response ID		✎																																												
Expected Funding		✎																																												
IC Call Date		✎																																												
Due Date	6/27/2024	✎																																												
Related To		✎																																												
Task Complete Timestamp		✎																																												
Category		✎																																												
Subcategory		✎																																												
<p>Comments</p> <p>Additional To: vmoreno43@gmail.com</p> <p>CC:</p> <p>BCC:</p> <p>Attachment: fi_logo_green.png</p> <p>Subject: Ted Fisher Investments Private Client Group</p> <p>Body:</p> <p>Hi Veronica,</p> <p>I work with our Private Client Group local to you, and I saw Fisher Investments came back as one of the top recommended local Financial Advisors for you based on your responses submitted to an online investor questionnaire.</p> <p>I'm following up to learn more about your situation, and more about what your looking for right now to see how we might be able to help you.</p> <p>Is there a good time I can reach you this week or next for an introductory discussion?</p> <p>Thanks so much!</p> <p>Ted</p>	<p>Theodore Parks</p> <p>Senior Account Executive</p> <p>8115263</p>																																													

PLEASE READ: The material contained in this email is confidential and solely for the use of the intended recipient. Please do not forward this email to others. Investment in securities involves the risk of loss. Past performance is no guarantee of future returns. Fisher Investments ("FI") is not a broker-dealer and cannot provide assurances and makes no representations or warranties as to the timing or price terms for the purchase or sale of particular securities. Market conditions and liquidity constraints may make it difficult to execute certain trades and FI will attempt to do so on a best efforts basis. FI is not responsible for errors or omissions in links from non-affiliated websites or other publicly available third party material provided. Third party information provided by FI does not necessarily reflect the view of FI or its employees. All email sent to or from this address will be received or otherwise recorded by FI's corporate email system and is subject to archival, monitoring or review by, and/or disclosure to, someone other than the recipient. FI's privacy policy can be found at <https://www.fisherinvestments.com/en-us/privacy>

WARNING: For your own protection, avoid sending identifying information such as social security or account numbers to us or others via email. Do not send time-sensitive, action-oriented messages, such as transaction requests, via email as it is our policy not to accept such items electronically.

Additional Information

Priority	Medium	
Status	Completed	
Close Reason	Completed	

Other Information

Reminder Set	No reminder is set		Create Recurring Series of Tasks <input type="checkbox"/>
--------------	--------------------	--	---

System Information

Created By	Teddy Parks, 6/27/2024, 12:48 PM	Last Modified By	Teddy Parks, 6/27/2024, 12:48 PM
------------	----------------------------------	------------------	----------------------------------

Interaction Summaries

Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task
Made Call, No Message Veronica Moreno

+ Follow **Completed** Cancel

Client Name(s) [Veronica Moreno](#) Related To

Details

Assigned To	Teddy Parks	✎	Status	Completed	✎
Subject	Made Call, No Message Veronica Moreno	✎	Close Reason	Completed	✎
IC Call Date		✎	Client Name(s)	Veronica Moreno	✎
Due Date	7/1/2024	✎	Related To		✎
Priority	Medium	✎	Household		
Task Age	193.00		Task Complete Timestamp		
Category		✎	Past Due	<input type="checkbox"/>	
Subcategory		✎			
Financial Account		✎			
Activity Currency	USD - U.S. Dollar	✎			
Response ID		✎			
Expected Funding		✎			
Created By	Teddy Parks , 7/1/2024, 2:51 PM		Last Modified By	Teddy Parks , 7/1/2024, 2:51 PM	
Comments	task 3	✎			

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task
Made Call, No Message Veronica Moreno

+ Follow **Completed** Cancel

Client Name(s) **Veronica Moreno** Related To

Details

Assigned To	Teddy Parks	✎	Status	Completed	✎
Subject	Made Call, No Message Veronica Moreno	✎	Close Reason	Completed	✎
IC Call Date		✎	Client Name(s)	Veronica Moreno	✎
Due Date	6/27/2024	✎	Related To		✎
Priority	Medium	✎	Household		
Task Age	197.00	✎	Task Complete Timestamp		
Category		✎	Past Due	<input type="checkbox"/>	
Subcategory		✎			
Financial Account		✎			
Activity Currency	USD - U.S. Dollar	✎			
Response ID		✎			
Expected Funding		✎			
Created By	Teddy Parks , 6/27/2024, 12:45 PM		Last Modified By	Teddy Parks , 6/27/2024, 12:45 PM	
Comments	task 2 es	✎			

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task
Made Call, No Message Veronica Moreno

+ Follow **Completed** Cancel

Client Name(s) **Veronica Moreno** Related To

Details

Assigned To	Teddy Parks	✎	Status	Completed	✎
Subject	Made Call, No Message Veronica Moreno	✎	Close Reason	Completed	✎
IC Call Date		✎	Client Name(s)	Veronica Moreno	✎
Due Date	7/12/2024 📅	✎	Related To		✎
Priority	Medium	✎	Household		✎
Task Age	182.00	✎	Task Complete Timestamp	7/12/2024, 12:07 PM	✎
Category		✎	Past Due	<input type="checkbox"/>	✎
Subcategory		✎			
Financial Account		✎			
Activity Currency	USD - U.S. Dollar	✎			
Response ID		✎			
Expected Funding		✎			
Created By	Teddy Parks , 7/12/2024, 12:07 PM	✎	Last Modified By	Teddy Parks , 7/12/2024, 12:07 PM	✎
Comments	task 5 F	✎			

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Task
Left Voicemail Veronica Moreno

+ Follow **Completed** Cancel

Client Name(s) **Veronica Moreno** Related To

Details

Assigned To	Teddy Parks		Status	Completed	
Subject	Left Voicemail Veronica Moreno		Close Reason	Completed	
IC Call Date			Client Name(s)	Veronica Moreno	
Due Date	7/9/2024		Related To		
Priority	Medium		Household		
Task Age	185.00		Task Complete Timestamp	7/9/2024, 8:28 AM	
Category			Past Due	<input type="checkbox"/>	
Subcategory					
Financial Account					
Activity Currency	USD - U.S. Dollar				
Response ID					
Expected Funding					
Created By	Teddy Parks , 7/9/2024, 8:28 AM		Last Modified By	Teddy Parks , 7/9/2024, 8:28 AM	
Comments	task 4 F				

Interaction Summaries Relate an Interaction

Interaction Summary Name	Interaction Notes	Owner Name
No Interaction Summary found.		

Fisher_000016

Users	Remote	Date	Direction	From (ANI)	To (DNIS)	
Teddy Parks	Idaho Falls ID	7/1/2024 16:51	Outbound	sip:64cd0a51a10d161a96e0babd+fisherinvestments.orgspan.com@localhost	tel:+12083901355	
Teddy Parks	Idaho Falls ID	7/9/2024 10:27	Outbound	sip:64cd0a51a10d161a96e0babd+fisherinvestments.orgspan.com@localhost	tel:+12083901355	
Teddy Parks	Idaho Falls ID	7/12/2024 14:06	Outbound	sip:64cd0a51a10d161a96e0babd+fisherinvestments.orgspan.com@localhost	tel:+12083901355	
	Cell Phone ID	7/17/2024 9:50	Inbound	tel:+12083901355	tel:+14693143128	This person hung up during the greeting, call was only 9 seconds and did not reach an AE
Teddy Parks	Idaho Falls ID	7/17/2024 11:12	Outbound	sip:64cd0a51a10d161a96e0babd+fisherinvestments.orgspan.com@localhost	tel:+12083901355	
Teddy Parks	Idaho Falls ID	7/22/2024 14:35	Outbound	sip:64cd0a51a10d161a96e0babd+fisherinvestments.orgspan.com@localhost	tel:+12083901355	

account_id	acknowledgement_date	advisor_crd	advisor_id	advisor_name	deployed_time_etz	digital_event_id	firm_crd	firm_name	investor_name	investor_session_id	match_id	my_row_id	network_id	network_name	sent_to_advisor
6335	2024-06-17T15:51:41	107342	4456	Fisher Investments	2024-06-18T09:59:08	45465e43-b8dd-4e6d-a33f-0eee3b80762a	107342	Fisher Investments	Veronica Moreno	13262327	1.50E+08	74849005	68	Fisher Investments	Yes

Question Key	Answer Value
yearsFromRetirement	20-29 years
lifeStages	The growing stage
isRetired	No
howConfidentAreYou	notConfident
timeToImprove	asap
retirementActivity	Traveling
retirementVision	Enjoyment
retirementrelocation	no
location (Zip Code)	83442
incomeExpectation	Savings and investments
newQincome	[150000, 250000)
saving	Over \$2,000
testoneemergencyfund	Yes
testoneFourOhOne	Yes
testoneIRA	Yes
currentSavings	[250000, 1000000)
comfortLevel	Very comfortable
sociallyResponsible	Not sure
health	Good
healthFinance	no
married	Yes
separateOrJoint	Separately
numMinors	No
homeowner	Yes
recentRefinance	Yes
businessOwner	No
hasAdvisor	No
drivingDistance	No, I am comfortable working by phone or video-conference
expertise	Insurance product expertise
AttorneyReferral	No
howDidYouHearAboutUs	Otherv2
email	vmoreno43@gmail.com
firstname	Veronica
lastname	Moreno
phone	208-390-1355
terms_of_service	TRUE

```
"alternate_phones":[
  {
    "id":"Phone.cdfd51ea-b9d7-4700-b993-9f113b865ccc",
    "line_type":"Mobile",
    "phone_number":"+12083907295"
  },
  {
    "id":"Phone.b9b3d3d3-2355-4fe1-b581-be02e4ed24e1",
    "line_type":"NonFixedVOIP",
    "phone_number":"+12083594841"
  },
  {
    "id":"Phone.92cbace5-e908-42cf-98ba-dd54eea1a3f3",
    "line_type":"Landline",
    "phone_number":"+12087823418"
  },
  {
    "id":"Phone.f4ac5119-edf9-4f77-999b-b29da3711897",
    "line_type":"Landline",
    "phone_number":"+12087854306"
  }
],
"associated_people":[
  {
    "firstname":"Roberto",
```

```
"id":"Person.4f3c9b58-9880-37cf-95e0-0a20492cf7eb",
"lastname":"Moreno",
"middlename":"None",
"name":"Roberto Moreno",
"relation":"PotentialOwner"
},
{
"firstname":"Michael",
"id":"Person.f894788f-f049-3ddb-9631-df66130526cd",
"lastname":"Liljenquist",
"middlename":"Redford",
"name":"Michael Redford Liljenquist",
"relation":"PotentialOwner"
},
{
"firstname":"Luis",
"id":"Person.b1239988-ff62-3d66-9d43-29bc9986f079",
"lastname":"Ojeda",
"middlename":"C",
"name":"Luis C Ojeda",
"relation":"None"
},
{
"firstname":"Gittselle",
"id":"Person.d9786514-0cce-3ed3-8139-45370972b9e9",
"lastname":"Moreno",
```

```
"middlename":"None",
"name":"Gittselle Moreno",
"relation":"None"
},
{
  "firstname":"Luis",
  "id":"Person.c8f39b22-e8cc-3cb9-9f87-11fe0530d3ff",
  "lastname":"Martinez",
  "middlename":"Ojeda",
  "name":"Luis Ojeda Martinez Sr",
  "relation":"None"
},
{
  "firstname":"Edwiges",
  "id":"Person.3ba225d8-0cb0-3c26-8676-1b2a3703d1fd",
  "lastname":"Ojeda Martinez",
  "middlename":"None",
  "name":"Edwiges Ojeda Martinez",
  "relation":"None"
}
],
"belongs_to":{
  "age_range":"41-45",
  "alternate_names":[
    "Veronica O Moreno",
    "V O Moreno",
```

```
"Veronica M Ojeda"
],
"firstname":"Veronica",
"gender":"F",
"id":"Person.b654bdb8-7edf-3aa9-9bcb-98672e9fdfa3",
"industry":"None",
"lastname":"Moreno",
"link_to_phone_start_date":"2016-04-15",
"middlename":"M",
"name":"Veronica M Moreno",
"type":"Person"
},
"carrier":"Verizon Wireless",
"country_calling_code":"1",
"current_addresses":[
{
  "city":"Rigby",
  "country_code":"None",
  "delivery_point":"SingleUnit",
  "id":"Location.376ba0a7-1759-4d2d-bd01-f425fe40fe31",
  "is_active":"None",
  "lat_long":{
    "accuracy":"RoofTop",
    "latitude":43.6494,
    "longitude":-111.9636
  },
},
```

```
"link_to_person_start_date":"2007-10-19",
"location_type":"Address",
"postal_code":"83442",
"state_code":"ID",
"street_line_1":"3695 E 157 N",
"street_line_2":"None",
"zip4":"5671"
},
{
"city":"Rexburg",
"country_code":"None",
"delivery_point":"SingleUnit",
"id":"Location.f267ed8b-4b8a-4ad3-9c73-de746f4d4248",
"is_active":"None",
"lat_long":{
"accuracy":"RoofTop",
"latitude":43.8247,
"longitude":-111.8142
},
"link_to_person_start_date":"2020-01-21",
"location_type":"Address",
"postal_code":"83440",
"state_code":"ID",
"street_line_1":"1049 Summers Dr",
"street_line_2":"None",
"zip4":"5335"
```

```
}
],
"error":"None",
"historical_addresses":[
{
  "city":"Saint Anthony",
  "country_code":"None",
  "delivery_point":"SingleUnit",
  "id":"Location.563acb5f-5fb9-4770-a755-fa7c56ba4387",
  "is_active":"None",
  "lat_long":{"
    "accuracy":"RoofTop",
    "latitude":43.9582,
    "longitude":-111.6864
  },
  "link_to_person_end_date":"2007-10-19",
  "link_to_person_start_date":"2007-03-01",
  "location_type":"Address",
  "postal_code":"83445",
  "state_code":"ID",
  "street_line_1":"850 S 3rd W",
  "street_line_2":"None",
  "zip4":"1924"
},
{
  "city":"Strausstown",
```

```
"country_code":"None",
"delivery_point":"POBox",
"id":"Location.7fa39874-e7a0-4394-a7ea-ffb8f9fd11e0",
"is_active":"None",
"lat_long":{
  "accuracy":"RoofTop",
  "latitude":40.4923,
  "longitude":-76.184
},
"link_to_person_end_date":"2007-10-19",
"link_to_person_start_date":"2003-01-01",
"location_type":"Address",
"postal_code":"19559",
"state_code":"PA",
"street_line_1":"PO Box 67",
"street_line_2":"None",
"zip4":"0067"
},
{
  "city":"Beale Afb",
  "country_code":"None",
  "delivery_point":"SingleUnit",
  "id":"Location.e0942c29-de72-4b87-b560-55b0bfbb387c",
  "is_active":"None",
  "lat_long":{
    "accuracy":"RoofTop",
```

```
"latitude":39.096,
"longitude":-121.3262
},
"link_to_person_end_date":"2002-12-31",
"link_to_person_start_date":"2002-03-10",
"location_type":"Address",
"postal_code":"95903",
"state_code":"CA",
"street_line_1":"4719 Circle Dr",
"street_line_2":"None",
"zip4":"2530"
},
{
"city":"Blackfoot",
"country_code":"None",
"delivery_point":"SingleUnit",
"id":"Location.13c1acbe-364e-49b0-8a88-a9eaa9415813",
"is_active":"None",
"lat_long":{
"accuracy":"RoofTop",
"latitude":43.1969,
"longitude":-112.3527
},
"link_to_person_end_date":"2007-12-25",
"link_to_person_start_date":"1999-08-01",
"location_type":"Address",
```

```
"postal_code":"83221",
"state_code":"ID",
"street_line_1":"872 Connie Dr",
"street_line_2":"None",
"zip4":"1615"
}
],
"id":"Phone.a7f3f126-0e95-425b-a461-c5f7a600ed79",
"is_commercial":false,
"is_prepaid":false,
"is_valid":true,
"line_type":"Mobile",
"phone_number":"+12083901355",
"warnings":[
]
}
```

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL HUMAN,)	
)	
Plaintiff/Counterclaim Defendant,)	Case No. 4:24-cv-01177-MTS
)	
vs.)	
)	
FISHER INVESTMENTS INC.)	
SMART ASSETS ADVISORS, LLC,)	
)	
Defendants.)	

DECLARATION OF DANIEL HUMAN

Comes now Plaintiff, Daniel Human, and being first duly sworn upon his oath in accord with 28 U.S.C. §1746, deposes and states the following based on his personal knowledge and information.

1. I am Daniel Human, over the age of twenty-one and have personal knowledge of the facts contained herein this Declaration.

2. I am the sole subscriber, natural person and the sole user of the cell phone number 208-390-XXXX and am financially responsible for the bill associated with the above personal residential cellular phone as illustrated by Exhibits A and B.

3. I personally registered the above phone number on both the Missouri and National do not call registries in 2023, and Exhibit D, attached to my motion for summary judgment are true and correct copies of those registries as provided by the Missouri Attorney General and United States Government.

4. My personal residential phone described above is not associated with any business.

5. The above-described phone number is solely for personal and family use.

6. On or about June 24, 2024, Plaintiff began receiving unsolicited telemarketing calls on my private residential cellphone from a telemarketer identified as Teddy Parks acting on behalf of Fisher Investments without my prior express written consent as illustrated in Exhibit E.

7. The telemarketer made the first of the eight (8) unsolicited telemarketing calls stating they were employed by Defendant Fisher Investments and was calling to market investment related services for Fisher as illustrated in Exhibit E.

8. During this series of calls, I could not identify the caller prior to answering as the telemarketer blocked or circumvented my caller identification service which scared me and made me believe there was a problem with my family or friends as illustrated in Exhibit E.

9. Upon answering the calls, I was met with the various pauses, clicks, automated prompts, squealing and computer-generated sounds and then dead air that appeared to be from an automatic telephone dialer as illustrated in Exhibit E.

10. When a live telemarketer finally came on the line, I stated that they were interrupting my family time and that I was extremely busy and could not take the call as illustrated in Exhibit E.

11. The telemarketers continued to call my private residential number and engaged in the same sale script during each call, which I found to be a violation of my privacy, right to seclusion, and was harassing, annoying, frustrating and abusive as illustrated in Exhibit E..

12. On more than one occasion telemarketer Teddy Parks made my telephone ring and when I sent the call to voicemail, Parks failed to leave a message, properly identifying himself, or stating the purpose of the call, which Plaintiff further found to be a violation of my privacy, right to seclusion, and was harassing, annoying, frustrating and abusive as illustrated in Exhibit E.

13. Each of the illegal telemarketing calls were condoned, encouraged, enticed, and ratified by Defendants Fisher Investments and their agents, employees and/or vendors, as detailed supra as illustrated in Exhibits C and E.¹

- | | | | |
|----|------------|----------|----------------|
| a. | 6/24/24 | 10:32 am | (800) 681-1312 |
| b. | 2024/06/24 | 15:32:45 | (800) 681-1312 |
| c. | 2024/06/27 | 19:45:06 | (800) 681-1312 |
| d. | 2024/07/01 | 21:51:49 | (800) 682-8096 |
| e. | 2024/07/09 | 15:28:08 | (800) 682-8096 |
| f. | 2024/07/12 | 19:06:56 | (800) 682-8096 |
| g. | 2024/07/17 | 11:12:48 | (800) 681-1312 |
| h. | 7/17/24 | 11:06 | (800) 682-8096 |

14. During each call the telemarketer asked me to purchase investment services from or through Defendants Fisher Investments as illustrated in Exhibit E.

¹ The defendants continued to ask for an unknown individual that is not associated with this phone number.

15. The Defendant's continued and persistent calls were annoying, harassing, abusive and took up my phone time as well as personal time as illustrated in Exhibit E.

16. The Defendants persistently harassed and solicited me to purchase investment advice from Defendant Fisher Investments and their agents, employees and/or vendors, even though I am registered on the Federal and Missouri Do Not Call registry and have been for many months prior to their unsolicited marketing calls to his private, personal residential cell phone as illustrated in Exhibits D and E.

17. My privacy and right to seclusion have been grossly, deliberately, and repeatedly violated by the above-described telemarketing calls and I was severely annoyed, harassed, humiliated, abused and frustrated by several Fisher Investments telemarketers

18. Defendant's aggravating and annoying phone calls trespassed upon and interfered with my rights and interests in my cellular telephone and cellular telephone line, caused me to incur provider fees, the depletion of my battery life, wear, and tear on my phone equipment and by intruding upon my right to privacy and seclusion.

19. Defendant's phone calls personally harmed me by wasting my time.

20. I never provided my prior written express consent to receive or request these calls and at no time did the telemarketer state that he received information from the website smartasset.com.

21. Throughout the entire course of the pending litigation above, Defendant Fisher has not provided a single document which illustrates that I provided prior express written consent to make the calls to my private residential number listed above.

22. Defendant Fisher Investment's illegal phone calls were committed knowingly and willfully because I began hanging up on them and they would repeatedly call back and hang up with no message even though I am registered on the Missouri and national do not call registries as illustrated in Exhibit E.

23. I have been harmed by the acts of Defendants in that my rights to privacy and seclusion have been violated, I was aggravated, annoyed, harassed, abused, and frustrated and caused physical injury, including incurring telephone service provider fees, wear and tear on his phone, damage and disruption to his phone's battery life, they intruded on my privacy and right to seclusion, and other injuries and costs incurred pursuing this litigation.

24. I have never provided my express written consent to receive these calls on my private residential phone number to Defendants Fisher or Smart Asset Advisors, nor have the Defendants provided me with a copy of any express written consent to place their calls to the number dialed. See also Exhibit C – Smart Asset lead.

25. At no time during any of the Defendant's telemarketing calls did any telemarketer or Defendant Fisher Investments state that their unsolicited calls were being placed for emergency purposes.

26. I do not have a prior business relationship with Defendant Fisher Investments, their telemarketers, or SmartAsset Advisors, LLC.

27. I have never visited the website smartasset.com or fisher.com. nor has anyone done so and input my phone number with my knowledge or consent.

28. I have never provided Fisher or SmartAsset.com with my cellphone number.

29. I have never provided telemarketer Teddy Parks with my express written consent to dial my private residential phone number.

30. During the progress of this litigation, my antiquated used computer became non-functional and had to be replaced because it would no longer power-up.

31. I fully advised Defendant Fisher's counsel via email, who was also counsel in another case in which I was a Plaintiff, of my computer problems, the need to replace it, and that I had discarded the broken computer in the trash and bought a new one.

32. As an elderly man with extremely limited knowledge of computers, I did not know that information from the broken and discarded computer could possibly be retrieved.

33. I also voluntarily took the stand in open Court in February or March of 2025 and informed United States District Court Schelp under oath that I discarded the broken computer and had no idea information could possibly be retrieved from a broken computer.

34. As a sanction for my mistake, Judge Schelp issued the harshest sanction allowed by law, an order striking my pleadings. ECF Nos. 82, 89.

35. In the interim, Defendant Fisher filed a meritless counterclaim accusing me of fraud, without any evidence whatsoever that I had done so. ECF No. 45.

36. The only evidence Fisher produced which they allege to be fraud is a lead submitted by Smartasset.com, which does not contain my name, address, or IP address. See Exhibit F.

37. Defendant Fisher's representatives also ran a Trustle Report on the lead which evidenced that the lead was generated outside of the United States of America as depicted by the geolocation on Fishers report. See Exhibit H.

38. I directed my attorney to serve Defendant Fisher with final discovery requests requesting Fisher to produce any alleged evidence of fraud they possessed, as none had been previously disclosed, which he did so in July 2025.

39. Defendant Fisher responded that the only evidence of fraud they possessed was: Records reflecting consent to call Mr. Human's phone number via a SmartAsset lead, records about Fisher's calls with Mr. Human, and documents reflecting Fisher's damages which was Fisher's counsel's bills amounting to about \$150,000.00 and alleged lost employee time. See Exhibit C – Smart Asset Lead; Exhibit G – Trustle Report.

40. I directed my attorney to file a motion to compel Defendant Fisher to produce all evidence that I had committed fraud, which was filed on July 28, 2025. See ECF No. 130, 131.

41. Fisher again responded that they possess no further evidence to produce. See ECF No. 134.

42. My attorney, at my direction, filed a detailed reply to ECF No. 134, at ECF No. 137, asking the Court to Order Fisher to produce the evidence of fraud they have repeatedly misrepresented to the Court that they possess, but will not produce the purported evidence.

I hereby certify under the penalties of perjury as permitted under 28 U.S.C. 1746, that the facts contained herein this Declaration are true and correct to the best of my personal knowledge.

Further Affiant Sayeth Naught

/s/Daniel Human
Daniel Human

This 2nd day of September, 2025.