

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

CHET MICHAEL WILSON, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FREEWAY INSURANCE SERVICES OF
AMERICA, LLC,

Defendant.

Case No. 6:25-cv-1869-MC

**DECLARATION OF EDGAR
BARBOZA IN SUPPORT OF
DEFENDANT FREEWAY
INSURANCE SERVICES OF
AMERICA, LLC’S MOTION TO DENY
CLASS CERTIFICATION**

1. My name is Edgar Barboza. I am over the age of 18 and competent to give this declaration. If called to testify, I could and would competently testify to the facts stated herein.

2. I am the Head of Digital Transformation at Confie Holding II Co., the parent company of Freeway Insurance Services of America, LLC (“Freeway”). In that role, I am familiar with the processes by which Confie and its subsidiaries, like Freeway, operate their websites and obtain consent from consumers who wish to be contacted about insurance offers.

3. In the regular course of business, I have access to, and personal knowledge of, the business records generated and maintained by Confie and its subsidiaries. The information contained herein is based upon my personal knowledge along with my review of the business records, policies, and/or electronic databases and reports generated and maintained in the ordinary course of Confie’s regularly conducted business and made at or near the time of the events described herein.

4. In my role, I work closely with Confie's third-party marketing and lead-generation vendors, including EverQuote, and third-party verification partners, like Jornaya. I am familiar with how data from those vendors is generated, transmitted to Confie, stored in Confie's systems, and relied upon by Confie in its regular course of business. Confie routinely relies on the accuracy of these records for compliance, auditing, and consumer-consent verification purposes.

Freeway's Business Practices

5. Freeway is an insurance company that offers a range of insurance services to consumers.

6. Consumers can request insurance quotes or other insurance services from Freeway in a variety of ways.

7. Freeway maintains its own website, where consumers may request quotes and additional information regarding Freeway's products.

8. Freeway also contracts with over a dozen third-party vendors that operate websites where consumers seeking insurance may request quotes. When a consumer submits an inquiry through one of those websites, the vendor provides the lead to Freeway.

9. Freeway then communicates with those consumers through the methods to which they consent, including email, text message, and phone call.

10. Freeway contacts only individuals who inquire about its services and provide express consent to be contacted.

11. Freeway maintains policies and procedures to ensure that it contacts only individuals who have requested insurance quotes. These procedures include requiring all lead providers with whom Freeway contracts to obtain express written consent from each consumer.

12. As an additional safeguard, Freeway scrubs its contact lists against the National Do Not Call Registry (“NDNCR”) and maintains its own internal Do Not Call list.

13. To ensure compliance with the Telephone Consumer Protection Act (“TCPA”), Freeway also requires its lead vendors to provide a certificate confirming the authenticity of the lead and the associated consent. Where available, vendors are also required to provide information such as the IP address, location from which the inquiry was submitted, and the browser used to submit the lead.

14. Although not required by law, Freeway also reviews phone numbers to determine how many other companies purchased the same lead. This helps avoid contacting consumers who may already have been contacted by other insurance providers.

15. Leads received from third-party vendors are automatically transmitted to Confie’s customer relationship management system, where they are stored along with associated consent data and verification tokens.

16. Freeway requires each lead vendor to use compliant consent language on its lead forms. However, it does not control or dictate the precise language used in vendors’ lead forms or terms of service. Accordingly, the consent language may vary across different lead forms.

17. One such third-party lead vendor with which Freeway contracts is EverQuote, which operates several websites that connect consumers who are interested in purchasing auto insurance with insurance companies that match the consumers’ needs, including usautoinsurancenow.com and auto.everquote.com.

18. EverQuote also contracts with Jornaya, a third-party verification company, to maintain a log of users who submit lead forms on the Website. For each submission, the log records the date and time of the submission, the user’s name, email address, phone number, and Zip Code.

19. In the ordinary course of business, Jornaya automatically generates a Lead ID for each submission at or near the time the lead form is submitted. This certificate verifies that the information EverQuote claims was submitted through a lead form was, in fact, submitted through that form.

20. If an EverQuote lead does not contain a Jornaya Lead ID, which confirms Jornaya's third-party verification of the submission, Confie does not accept that lead form into its system.

21. The EverQuote logs and Jornaya Lead IDs are incorporated into Confie's own business records. Confie keeps these records in the ordinary course of its regularly conducted business activities and relies on them to verify consumer consent and to respond to litigation and regulatory inquiries.

22. Consumers who visit one of EverQuote's websites are presented with a series of questions designed to gather information needed to provide an automobile insurance quote. This includes information such as the details of the consumer's car, credit score, occupation, past accidents, and contact information.

23. When the consumer reaches the final page of the web flow, she is presented with a large button that states "Show My Quotes" or similar language, along with a notice requesting the consumer's phone number and a disclosure stating that submitting the number provides written consent for Freeway to contact the consumer.

24. For example, the individual who submitted Plaintiff's number on usautoinsurancenow.com was shown the following final page:



25. Each of Freeway’s third-party vendors manages their own websites. Those websites may contain different web flows, with different notices appearing at different stages throughout the process, as well as different terms of use and privacy policies.

26. The operators of these different websites routinely update their respective terms of use.

27. Many of Freeway’s third-party marketing partners require consumers to assent to their terms of use before submitting a contact request.

28. Many of those terms of use require the consumer to agree to an arbitration provision that specifically covers Freeway.

29. Regardless of specific wording used by a vendor, Freeway requires TCPA-compliant disclosures and affirmative assent from the consumer and receives lead certifications documenting the consent obtained.

The 541-999-9999 Opt-In

30. Confie's internal records, maintained in the ordinary course of business, show that on June 4, 2024, someone visited usautoinsurancenow.com (the "Website"), which is operated by EverQuote, and submitted a lead form requesting auto insurance quotes for a 2019 Mitsubishi Outlander. That lead form included Plaintiff's phone number, along with the name Dorianne Plageman and email address drp.work21@gmail.com.

31. In the ordinary course of business, I received a true and correct copy of the TrustedForm certificate from Jornaya for this lead submission. The certificate confirmed what Confie's records already showed: that an individual entered Plaintiff's phone number, along with a name, vehicle information, email address, and Zip Code on the Website and clicked "Show My Quotes," thereby agreeing to the Website's Terms of Use:

USAUTO
 Drivers in Orland can save up to \$610 per year!
 Progress: 88%

What is your name?

***** DORIANNE
 ***** PLAGEMAN

Continue

USAUTO
 Final Step!
 Progress: 95%

Final Step! What is your phone number?

***** 5419999999

Show My Quotes

Show My Quotes

By clicking Show My Quotes and submitting this form, I am providing express written consent to being contacted by you, [EverQuote Marketing Partners](#), or by one or more agents or brokers of your partners which companies I agree may reach me to discuss my interest, including offers of insurance, at the phone number and/or email address I have provided to you in submitting this form and/or additional information obtained. I consent by electronic signature to being contacted by telephone (via call and/or text) for marketing/telemarketing purposes at the phone number I provided in this form, even if my phone number is listed on a Do Not Call Registry, and I agree that such contact may be made using an automatic telephone dialing system and/or an artificial or prerecorded voice (standard call, text message, and data rates apply). I can revoke my consent at any time. I also understand that my agreement to be contacted is not a condition of purchasing any property, goods or services, and that I may call 1-855-840-1737 to speak with someone about obtaining an insurance quote. By clicking Show My Quotes and submitting this form, I affirm that I have read and agree to this website's [Privacy Policy](#) and [Terms of Use](#), including the arbitration provision and the [E-SIGN Consent](#).

32. Confie's records show that this lead was transmitted to Freeway through its standard lead-delivery process for EverQuote vendors and was entered into Freeway's customer relationship management system.

33. By entering Plaintiff's phone number and submitting the inquiry, that individual provided consent to be contacted by either EverQuote or one of its Marketing Partners, including Freeway.

34. Only after confirming that the lead complied with the TCPA, Freeway contacted the phone number provided in the submission.

35. Confie's records reflect that Freeway sent text messages to the phone number provided in the submission on June 5, 6, and 8, 2024.

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

Executed on 5/14/2026 at Los Angeles, CA.

DocuSigned by:
Edgar Barboza
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Edgar Barboza