

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

Plaintiff

V.

Defendant

Case Number

**NOTICE AND ELECTION REGARDING CONSENT TO PROCEED  
BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the undersigned notifies the clerk that

*Party Name*

Party Role (Plaintiff or Defendant)

\_\_\_\_\_ waives the right to proceed before a district judge of the United States District Court and consents to

have a United States magistrate judge conduct any and all further proceedings, including any trial, and order entry of a final judgment.

\_\_\_\_\_ acknowledges the availability of a United States magistrate judge to try this case or rule on dispositive motions but chooses not to consent to proceed before the magistrate judge.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Bar Number (if attorney): \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**NOTE:** A district judge or a magistrate judge will not be informed of any party's election unless all parties have consented to the reassignment of the matter to a magistrate judge.

**TRIALS BY THE UNITED STATES MAGISTRATE JUDGE**

In accordance with 28 U.S.C. § 636(c)(1) and Fed. R. Civ. P. 73(b), upon consent of all parties in a civil case, the district judge may enter an order reassigning the civil case to a magistrate judge. Miscellaneous Order No. 6 of the Northern District of Texas provides that it is the plaintiff's obligation to attach a copy of this notice to the complaint and summons, when served.

**NOTICE OF RIGHT TO CONSENT TO PROCEED BEFORE  
A UNITED STATES MAGISTRATE JUDGE**

The Court has experienced, competent, and hard-working magistrate judges who are available to try jury and non-jury civil cases pursuant to 28 U.S.C. § 636(c). Consent to proceedings before a magistrate judge may allow you to expedite the handling of your case.

You may consent to the exercise of civil jurisdiction over your case by a magistrate judge. If all parties involved in your case consent, the presiding district judge may reassign your case to a magistrate judge.

Your decision to consent to the reassignment of your case to a magistrate judge, or not to consent, is entirely voluntary and without any adverse consequences if you choose not to consent. Your decision should be communicated to the clerk of the district court using *Notice and Election Regarding Consent to Proceed Before a United States Magistrate Judge* form. A district judge or magistrate judge will not be informed of any party's decision unless all parties have consented to the reassignment of the matter to a magistrate judge.

Even if all parties consent to the exercise of civil jurisdiction by a magistrate judge, the district judge may choose not to enter an order reassigning the case to a magistrate judge. However, if the district judge reassigns your case to the magistrate judge, the magistrate judge is then authorized to conduct any or all proceedings in the case, including a jury or non-jury trial, and order the entry of a final judgment. Upon entry of judgment by the magistrate judge in any case transferred under 28 U.S.C. § 636(c)(1), 28 U.S.C. § 636(c)(3) provides that "an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court."

**IMPORTANT NOTE:** This submission is not treated as a filing in ECF, so the consent form will not appear on the docket sheet.

**U.S. District Court for the Northern District of Texas  
Instructions to a Non-Prisoner *Pro Se* Plaintiff**

Your suit HORTON V. 360 DIGITAL MARKETING LLC was filed on 4/11/2025 and has been assigned to the Honorable Ada E. Brown, case number 3:25-cv-00907-E-BT.

These instructions do not include everything you need to know to pursue your case, but following them may help you avoid common mistakes that can result in delay or other consequences—including dismissal of your case.

**1. Filing Procedures** – The Local Civil Rules include the following requirements:

- ◆ After you have filed your complaint, unless you are excused for cause or the presiding judge directs otherwise, you must:
  - ◇ register as an Electronic Case Files (ECF) user within 14 days (you may register online via our website at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov)), and
  - ◇ file any pleading, motion, or other paper electronically.
- ◆ You must submit a judge's copy (a paper copy) of any document you file, even if you filed the original electronically.
  - ◇ If you electronically file a document, follow the procedures set forth in the ECF Administrative Procedures Manual to provide the judge with the judge's copy.
  - ◇ If you file a document on paper and want a file-stamped copy returned to you, submit the original, the judge's copy, and an extra copy to be returned to you, and provide a self-addressed, postage-paid envelope. The clerk cannot make an extra copy for you unless you first pay a fee of 50 cents per page.
- ◆ You must type or legibly handwrite your documents on one side of numbered pages. Any exhibit or discovery material attached to the filing must be referred to in the filing. Any exhibit or discovery material not referred to in your filing or not attached to your filing may be returned to you.

2. **Address Change** – You must notify the Court if your address changes, or your case may be dismissed. If you are an ECF user, follow the procedures in the ECF Administrative Procedures Manual to update your address. If you are not an ECF user, promptly file a written change of address notice in your case.
3. **Rules to Follow** – You must read and follow the Federal Rules of Civil Procedure (FRCP), this court's Local Civil Rules, and the orders entered by a judge in your case.
4. **Request for Attorney** – In a civil case, you generally are not entitled to a court-appointed attorney to represent you without cost to you. If you request a court-appointed attorney, a judge will decide whether to appoint an attorney depending on the circumstances of the case. Even if the court decides to appoint an attorney, the attorney cannot be forced to accept the appointment. You may call the Lawyer Referral Service of the State Bar of Texas at (800) 252-9690 for assistance in securing the services of a private attorney to represent you for a fee.
5. **Initial Case Review** – If the Court grants leave to proceed in forma pauperis, service of process will be withheld pending review of your complaint, and your complaint may be dismissed pursuant to 28 U.S.C. § 1915(e)(2).
6. **Copies to Defendant** – After a defendant has been served your complaint in compliance with FRCP 4, you must serve a copy of any other document you file upon the defendant's attorney (or upon the defendant, if the defendant is *pro se*) as required by FRCP 5. If you and the opposing side are both ECF users, the ECF system will complete service for you, and a Certificate of Service is not required. If either of you is not an ECF user, or if you learn that service sent through ECF did not reach the person, you must serve the document by other means and include a Certificate of Service or file one within a reasonable time after service. Sample language for a Certificate of Service is:

- ♦ On (Date) I filed (the "foregoing document" or Document Name) with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or *pro se* parties of record by a manner authorized by Federal Rules of Civil Procedure 5 (b)(2).

Signature

7. **Discovery Materials** – Do not file discovery materials with the clerk. If you file a motion to compel discovery, you may attach only the portions of discovery that are relevant to your motion.
8. **Questions About Your Case** – The court's website at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov) provides valuable information. Do not write letters to the judge asking questions about your case – all communication with the judge should be through filings. Do not write letters to the clerk asking for instructions on how to handle your case, since the clerk is prohibited from giving legal advice.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LUCAS HORTON,  
Plaintiff,

v

360 Digital Marketing, LLC  
Defendant.

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COMPLAINT

Plaintiff Lucas Horton ("Plaintiff") brings this Complaint against 360 Digital Marketing, LLC ("Defendant") for various reasons. First, is their practice of sending unwanted texts to consumers without their express written consent and even after the Plaintiff clearly indicated he did not want to be texted. Second, is the Defendant's practice of texting consumers who are the National Do Not Call List using an ATDS, Third, is their practice of sending texts out despite having already settled two previous complaints for the same types of texts. Fourth, is to obtain damages and other redress caused by Defendant's conduct. Plaintiff, for his Complaint, alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief.

JURISDICTION & VENUE

The Court has subject matter jurisdiction over this action pursuant Texas Business and Commerce Codes 305.053 ("TX 305"), as well as 28 U.S.C. § 1331, as the main actions arise under the Telephone Consumer Protection Act 47 U.S.C. § 227(b)(1)(A), and 47 U.S.C. § 227(c)(3)(F)('TCPA'), both of which provide for separate private rights of action. Plaintiff also makes claims under § 64.1200(d). The Court has personal jurisdiction because both parties reside in Dallas County, which is also where the offenses occurred.

## **PARTIES**

Plaintiff is an individual who resides in Dallas County, Texas. Defendant is a corporation incorporated and existing under the laws of the State of Texas whose primary place of business, corporate headquarters, and Registered Agent, Salman Yousuf, is located at 1910 Pacific Ave, #8025, Dallas, TX 75201 according the most recent filing with the Texas Secretary of State.

## **FACTS**

1. TX 305.053 states that, “ (a) A person who receives a communication that violates 47 U.S.C. Section 227, a regulation adopted under that provision, or Subchapter A may bring an action in this state against the person who originates the communication for: \$500 for each violation; or... If the court finds that the defendant committed the violation knowingly or intentionally, the court may increase the amount of the award of damages under Subsection (b) to not more than the greater of: \$1,500 for each violation;”.
2. It is a violation of Section 227(c) to make or transmit a telephone solicitation to any person who is a subscriber to the do not call registry. 47 U.S.C. 227(c)(3)(F). Individuals have a private right to action “to recover for actual monetary loss from such a violation, or to receive up to \$500 in damages for each such violation, whichever is greater . . . .” 47 U.S.C. 227(c)(5)(B). If the Court finds that the defendant's violation was committed willfully or knowingly, the Court may treble plaintiffs award. 47 U.S.C. 227(c) (5).
3. 47 U.S.C. § 227(b)(1)(A) states that, “It shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States - to initiate any telephone call to any residential telephone line using an ATDS without the prior express consent of the called party.



4. 47 CFR 64.1200(d)(1) requires that Defendant have a written telemarketing policy; they do not. 64.1200(d) also requires training of employees in avoiding texting or calling consumers on the Do Not Call List. They obviously don't do that. The statute also requires that the sender identify who is texting in the body of the text. You have to click the generic link in the texts to see who is behind the texts.
5. Plaintiff is the owner and customary user of a cellphone number ending in 9931 and has been on the National DNC list since 2011.
6. At no time did Plaintiff ever provide his cellphone number to Defendant or provide Defendant, or any of Defendant's agents or 3<sup>rd</sup> party marketers, with any kind of written or verbal prior express consent to text him.
7. Prior to receiving the texts, Plaintiff had no relationship with Defendant, had never provided his telephone number directly to Defendant, and had never requested that Defendant or any of its proxies to place text to him or to offer him any services.
8. On 5/10/21, Plaintiff filed a complaint in small claims, cause # JS21-00143D, for texts he had received from the Defendant prior to that. The Defendant ended up settling and the Plaintiff dismissed the case on 6/2/21, yet the Defendant continued to text the Plaintiff 25 more times.
9. On 11/2022, the Plaintiff filed another lawsuit against the Defendant for those 25 texts, case no. 3:22-cv-02475-E-BN, which was ignored. The Plaintiff obtained a judgment against 360, domesticated it in to District Court, and served them again with a Post judgment Discovery request. It was ignored as well and the Plaintiff filed a motion to compel.
10. Once a hearing was set on the motion to compel, 360 finally agreed to pay the judgment.
11. However, that entire time, 360 had been sending texts to the Plaintiff despite knowing he didn't want to be texted enough to file 2 lawsuits against them.
12. It was not until after the Plaintiff had domesticated a Federal Judgment in District Court

and served the Defendant with a notice of post judgment discovery that the texts stopped.

13. Plaintiff was texted by:

833-448-18070 on 2/10/23 – vortex ghostwriting - 888-214-0979  
833-941-3822 on 5/5/23 - ghostwritingly - 877-407-2444  
855-338-0484 on 12/5/23 – wordsmith. replied stop – 469-942-8886. self-identified  
855-729-6036 on 12/26/23 – fortune ghostwriters. replied stop – 469-942-8886. self-identified. Also identifies on urban ghostwriting.  
323-244-2895 on 1/25/24 – 360 digital marketing. Texter admits 360  
844-965-1288 on 2/6/24 – fortune ghostwriters. Replied stop. 469-942-8886. self-identified. Website has not privacy policy or terms and conditions. Website is the same as 360. Same background. Text, popups.  
844-714-4034 on 2/21/24 – fortune ghostwriters. Replied stop. 469-942-8886. self-identified  
833-786-1882 on 3/14/24 – urban ghostwriters. Replied Stop. 469-942-8886. Self-identified  
844-730-4398 on 5/9/24 – fortune ghostwriters. 469-942-8886. Self-identified  
866-985-7192 on 6/7/24 – fortune ghostwriters. 469-942-8886.  
323-536-8101 on 6/12/24 – Falcon ghostwriting. Replied stop  
323-285-3267 on 5/9/24 & 6/18/24 – Oscar Ghostwriting. Texter admits 360. Told to stop texting me.  
844-981-2262 on 6/19/24 – Nexus ghostwriters. replied stop. 346-444-9549 different sites  
877-413-5480 on 7/3/24 – Nexus ghostwriters. replied stop 346-444-9549 different sites  
877-356-832 on 7/5/24 – fortune ghostwriter. Replied stop. 469-942-8886. Different site  
855-657-1294 on 7/21/24 – essential ghostwriting. Replied stop. Self-identified. 888-422-6162  
714-439-9637 on 7/24/24 – Oscar ghostwriting. Self-identified.  
888-671-3458 on 9/12/24 – bookwriting castle. Self-identified. 888-422-6162  
833-659-6094 on 9/13/24 - bookwriting castle. Self-identified 888-422-6162  
855-642-9795 on 9/17/24 – fortune ghostwriters. 469-942-8886

14. Some texts featured generic links to the Defendant's websites and were soliciting ghostwriting services. Some had branded links.

15. When the text featured opt out language, and not all did as is required under the TCPA, the Plaintiff would reply "STOP", yet the texts kept coming.

#### **COMMON FACTUAL ALLEGATIONS**

16. All of the texts at issue were made on by or behalf of, for the benefit of, or with the knowledge and with the approval of the Defendant.

17. Rather than adhere to the requisite rules regarding obtaining consent prior to engaging in telemarketing and abstaining from the use of an ATDS, Defendant repeatedly place texts to consumers who have never provided consent (either orally or in writing) to receive such texts.



By placing the texts without first obtaining prior express written consent, the telemarketing license and with pre-recorded messages, Defendant plainly violates the TCPA, 47 U.S.C. § 227, *et seq*, and TX 305.

18. By making unauthorized telemarketing text, Defendant have caused the Plaintiff actual harm.

This includes loss of productivity, the aggravation, nuisance and invasions of privacy that result from the receipt of such calls. This is in addition to the wear and tear on his telephone, consumption of battery life, lost ability to place outgoing calls or texts and other interruption in use, cellular minutes, loss of value realized for the monies he paid to his carrier for the receipt of such calls, and other diminished use, enjoyment, value, and utility of their cellphones and cellphone plans. Robocalls take actual time to deal with and lost time is a real injury. Plaintiff is a custom jeweler and many time the phone rings while he is designing a piece of jewelry. Not only is this annoying. But many times, he will lose where he is in the design as he must let go of his mouse. He also loses his track of thinking.

19. Furthermore, Defendant (or a third-party acting on their behalf and for their benefit) sent the texts knowing that they trespassed against and interfered with Plaintiff's use and enjoyment of, the ability to access his telephone, including the related data, software, applications, and hardware components. As such, Defendant not only invaded the personal privacy of Plaintiff, they also intentionally, repeatedly, and willfully violated the TCPA.

20. In response to Defendant's unlawful conduct, Plaintiff files the complaint and seeks an *injunction requiring Defendant and its proxies to cease all unsolicited telephone calling* activities to consumers as complained of herein and an award of statutory damages to the Plaintiff, together with costs, and pre- and post-judgment interest.

**FIRST CAUSE OF ACTION**  
**Violation of 47 U.S.C. § 227(b)(1)(A)**  
**Telephone Consumer Protection Act**

Plaintiff incorporates the foregoing allegations as if fully set forth herein. Using an ATDS, the Defendant, or its proxy, texted the Plaintiff with the Defendant's consent, knowledge, and for its benefit without having any consent to do so from the Plaintiff a total of 18 times. As a result of the damages suffered by the Plaintiff, he is entitled to recover \$500 in a civil fine for the offense. However, Plaintiff seeks treble damages of \$1500 per call due to the willful nature of these texts, coming after the Defendant had already settle a previous lawsuit for illegal texts, under 47 U.S.C. § 227(b)(3)(C) for willful and/or knowing conduct. The texts came from spoofed phone numbers, which is an attempt to hide their identity because they know what they are doing is illegal. They also use various, fake business name for the same reason. And finally, they ignore requests to stop texting.

**SECOND CAUSE OF ACTION**  
**Violation of 47 U.S.C.. § 227(c)(3)(F)**  
**Telephone Consumer Protection Act**

Plaintiff incorporates the foregoing allegations as if fully set forth herein. The Plaintiff has been on the National Do Not Call List since 2011 because he does not want to be called or texted by entities who do not have his permission. Despite this, he was texted 21 times despite filing 2 and settling 1 lawsuit with the Defendant in previous years. As a result of the damages suffered by the Plaintiff, he is entitled to recover \$500 to \$1500 in a civil fine for each offense under 227(c)(3)(5)(B). However, Plaintiff seeks treble damages of \$1500 per text due to the willful nature of these texts coming after the Defendant had already settle a previous lawsuit for illegal texts.

**THIRD CAUSE OF ACTION**  
**Violation of § 64.1200(d)(1)**  
**Failure to Maintain Written Telemarketing Policy**

Plaintiff incorporates the foregoing allegations as if fully set forth herein. 47 CFR 64.1200(d)(1) requires that the Defendant have a written telemarketing policy. Defendant did not respond to

Plaintiff's request for the DNC policy and they obviously do not think the TCPA applies to them. Plaintiff is entitled to an award of at \$500 to \$1500 in damages for each such violation under 47 U.S.C. § 227(c)(5)(B). Plaintiff seeks treble damages of \$1500 per call due to the willful nature of these texts coming after the Defendant had already settle a previous lawsuit for illegal texts and their refusal to provide a Telemarketing Policy when it was requested.

**FOURTH CAUSE OF ACTION**

**Violation of TX 305  
Texas State TCPA Law**

Texas Business and Commerce Code § 305.053 creates a right of action for "a person who receives a communication that violates [the TCPA as codified at] 47 U.S.C. Section 227 [or] a regulation adopted under that provision ... against the person who originates the communication .... " Tex. Bus. & Com. Code § 305.053(a). Therefore, the elements of a § 305.053 claim "correspond to the necessary elements for a TCPA claim." *Callier v. GreenSky, Inc.*, No. EP-20-CV-00304-KC, 2021 U.S. Dist. LEXIS 126769, 2021 WL 2688622, at \*6 (W.D. Tex. May 10, 2021). Plaintiff is entitled to an award of \$500 in damages for each violation under § 305.053(b)(1). Plaintiff seeks treble damages of \$1500 per call due to the willful nature of these texts coming after the Defendant had already settle a previous lawsuit for illegal texts .

**FIFTH CAUSE OF ACTION**

**Violation of 47 CFR § 64.1200(d)(4)  
Failure to Provide Identifying Information**

Plaintiff incorporates the foregoing allegations as if fully set forth herein. 47 CFR 64.1200(d)(4) requires that Defendant provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

Defendants texts did not fulfill this requirement 8 times. Plaintiff is entitled to an award of



\$500-1500 in damages for each violation. 47 U.S.C. § 227(c)(5)(B). Plaintiff seeks treble damages of \$1500 per call due to the willful nature of these texts coming after the Defendant had already settle a previous lawsuit for illegal texts and not self-identifying is a conscious choice that is made when these texts are created and sent.

**SIXTH CAUSE OF ACTION**  
**Violation of § 64.1200(d)(1)**  
**Failure to Train Telemarketing Personnel**

Plaintiff incorporates the foregoing allegations as if fully set forth herein. 47 CFR 64.1200(d)(2) requires that Defendants train their personnel engaged in telemarketing on the written policy and the existence of the Do Not Call Policy. Defendants did not do so, *resulting in violations against Plaintiff. Plaintiff is entitled to an award of at least \$500 in damages for each such violation.* 47 U.S.C. § 227(c)(5)(B). However, in light of Defendant's willful nature of the offense, treble damages of \$1500 are more than appropriate.

**Prayer For Relief**

WHEREFORE, Plaintiff Lucas Horton prays for judgment against the Defendant as follows:

- A. An injunction enjoining the Defendant and their affiliates from engaging in the unlawful conduct set herein;
- B. An award of \$1500 for 18 of the texts that violate the First Cause of Action.
- C. An award of \$1500 for the 21 texts that violated the Second Cause of Action.
- D. An award of \$1500 for the 21 texts that violated the Third Cause of Action.
- E. An award of \$1500 for the 21 texts that violated the Fourth Cause of Action.
- F. An award of \$1500 for the 8 texts that violated the Fifth Cause of Action.
- G. An award of \$1500 for the 21 texts that violated the Sixth Cause of Action.
- H. An award to the Plaintiff of interest, costs and attorney's fees, as allowed by law and equity: and



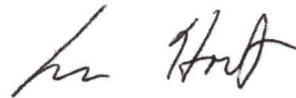
I. Such further relief as the Court deems necessary, just, and proper.

**Demand For Jury Trial**

Please take notice that the Plaintiff demands a jury trial in this case

Dated: 4/11/2025

Respectfully submitted,



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Lucas Horton  
lukeduke365@yahoo.com  
1202 Stratford Dr  
Richardson, TX 75080  
Tel: (214) 909-3341

JS 44 (Rev. 10/20) - TXND (10/20)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Lucas Horton

## DEFENDANTS

360 Digital Marketing, Inc

(b) County of Residence of First Listed Plaintiff **Dallas**  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant **Dallas**  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lucas Horton, pro se litigant  
1202 Stratford Dr, Richardson, Tx 75080 214 909 3341

Attorneys (If Known)

Ali Hakeem  
Ali@haleemlaw.com

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |   |                                       |
|---|----------------------------|---|---------------------------------------|
| PTF                                     | DEF                        | PTF   | DEF                                   |
| <input checked="" type="checkbox"/> 1   | <input type="checkbox"/> 1 | <input type="checkbox"/> 4                                    | <input checked="" type="checkbox"/> 4 |
| Citizen of This State                   |                            | Incorporated or Principal Place of Business In This State     |                                       |
| <input type="checkbox"/> 2              | <input type="checkbox"/> 2 | <input type="checkbox"/> 5                                    | <input type="checkbox"/> 5            |
| Citizen of Another State                |                            | Incorporated and Principal Place of Business In Another State |                                       |
| <input type="checkbox"/> 3              | <input type="checkbox"/> 3 | <input type="checkbox"/> 6                                    | <input type="checkbox"/> 6            |
| Citizen or Subject of a Foreign Country |                            | Foreign Nation  |                                       |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input checked="" type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Recopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. § 227

Brief description of cause:

TCPA violations of sending texts with an ATDS to a consumer on the DNC list

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$  
160,500

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/11/2025

SIGNATURE OF ATTORNEY OF RECORD

Lucas Horton, pro se plaintiff

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Lucas Horton

*Plaintiff*

v.

360 Digital Marketing, LLC

*Defendant*

Civil Action No. 3:25-cv-00907

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* 360 Digital Marketing

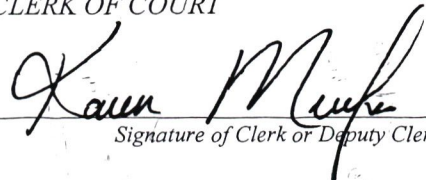
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Lucas Horton  
lukeduke365@yahoo.com  
1202 Stratford Dr.  
Richardson, TX 75080  
(214) 909-3341

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

  
Signature of Clerk or Deputy Clerk

Date: 04/11/2025



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 3:25-cv-00907

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: