

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

PETER WILSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

TEXONA MARKETING LLC D/B/A  
COLLINS GHOSTWRITING

Defendant.

Case No. 24-4003

**JURY TRIAL DEMANDED**

**PLAINTIFF'S CLASS ACTION COMPLAINT**

Plaintiff Peter Wilson ("Mr. Wilson"), by his undersigned counsel, for this class action complaint against Defendant Texona Marketing LLC d/b/a Collins Ghostwriting, as well as their present, former and future direct and indirect parent companies, subsidiaries, affiliates, agents and related entities, alleges as follows:

**I. INTRODUCTION**

1. Nature of Action: "Telemarketing calls are intrusive. A great many people object to these calls, which interfere with their lives, tie up their phone lines, and cause confusion and disruption on phone records. Faced with growing public criticism of abusive telephone marketing practices, Congress enacted the Telephone Consumer Protection Act of 1991. Pub. L. No. 102-243, 105 Stat. 2394 (1991) (codified at 47 U.S.C. § 227). As Congress explained, the law was a response to Americans 'outraged over the proliferation of intrusive, nuisance calls to their homes from telemarketers,' *id.* § 2(6), and sought to strike a balance between '[i]ndividuals' privacy rights, public safety interests, and commercial freedoms,' *id.* § 2(9)." *Krakauer v. Dish Network, L.L.C.*, 925 F.3d 643, 649 (4th Cir. 2019).

2. “[T]he law opted for a consumer-driven process that would allow objecting individuals to prevent unwanted calls to their homes. The result of the telemarketing regulations was the national Do-Not-Call registry. *See* 47 C.F.R. § 64.1200(c)(2). Within the federal government’s web of indecipherable acronyms and byzantine programs, the Do-Not-Call registry stands out as a model of clarity. It means what it says. If a person wishes to no longer receive telephone solicitations, he can add his number to the list. The TCPA then restricts the telephone solicitations that can be made to that number. *See id.*; 16 C.F.R. § 310.4(b)(iii)(B) (‘It is an abusive telemarketing act or practice and a violation of this Rule for a telemarketer to . . . initiat[e] any outbound telephone call to a person when . . . [t]hat person’s telephone number is on the “do-not-call” registry, maintained by the Commission.’). . . . [P]rivate suits can seek either monetary or injunctive relief. [47 U.S.C. § 227(c)(5)]. . . . This private cause of action is a straightforward provision designed to achieve a straightforward result. Congress enacted the law to protect against invasions of privacy that were harming people. The law empowers each person to protect his own personal rights. Violations of the law are clear, as is the remedy. Put simply, the TCPA affords relief to those persons who, despite efforts to avoid it, have suffered an intrusion upon their domestic peace.” *Id.* at 649-50.

3. Plaintiff, individually and as class representative for all others similarly situated, brings this action against Defendant for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) for making telemarketing calls, including text messages, to numbers on the National Do Not Call Registry, including his own.

4. Because telemarketing campaigns generally place calls to thousands or even millions of potential customers *en masse*, Plaintiff brings this action on behalf of a proposed

nationwide class of other persons who received illegal telemarketing calls from or on behalf of Defendant.

## **II. PARTIES**

5. Plaintiff Wilson is an individual.

6. Defendant Texona Marketing LLC d/b/a Collins Ghostwriting is a Texas-based LLC with its principal place of business in Houston, Texas.

## **III. JURISDICTION AND VENUE**

7. Jurisdiction. This Court has federal-question subject matter jurisdiction over Plaintiff's TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a federal statute. 47 U.S.C. § 227; *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 372 (2012).

8. Personal Jurisdiction: This Court has personal jurisdiction over Defendant. The Court has general personal jurisdiction because its headquarters and principal place of business is in Texas.

9. Venue: Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1) because Defendant is a resident of Texas in Houston, which lies within this District.

## **IV. FACTS**

### **A. The Enactment of the TCPA and its Regulations**

10. In 1991, Congress enacted the TCPA in response to a growing number of consumer complaints regarding certain telemarketing practices.

11. Section 227(c) of the TCPA requires the FCC to “initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers’ privacy rights to avoid receiving telephone solicitations to which they object.” 47 U.S.C. § 227(c)(1).

12. The National Do Not Call Registry allows consumers to register their telephone numbers and thereby indicate their desire not to receive telephone solicitations at those numbers. *See* 47 C.F.R. § 64.1200(c)(2).

13. A listing on the Registry “must be honored indefinitely, or until the registration is cancelled by the consumer or the telephone number is removed by the database administrator.” *Id.*

14. The TCPA and implementing regulations prohibit the initiation of telephone solicitations to residential telephone subscribers to the Registry and provides a private right of action against any entity that makes those calls, or “on whose behalf” such calls are made. 47 U.S.C. § 227(c)(5); 47 C.F.R. § 64.1200(c)(2).

**B. Unsolicited Telemarketing to Plaintiff**

15. Plaintiff Wilson is, and at all times mentioned herein was, a “person” as defined by 47 U.S.C. § 153(39).

16. Plaintiff Wilson’s telephone number, (216) XXX-XXXX, is a telephone number that is used for residential purposes.

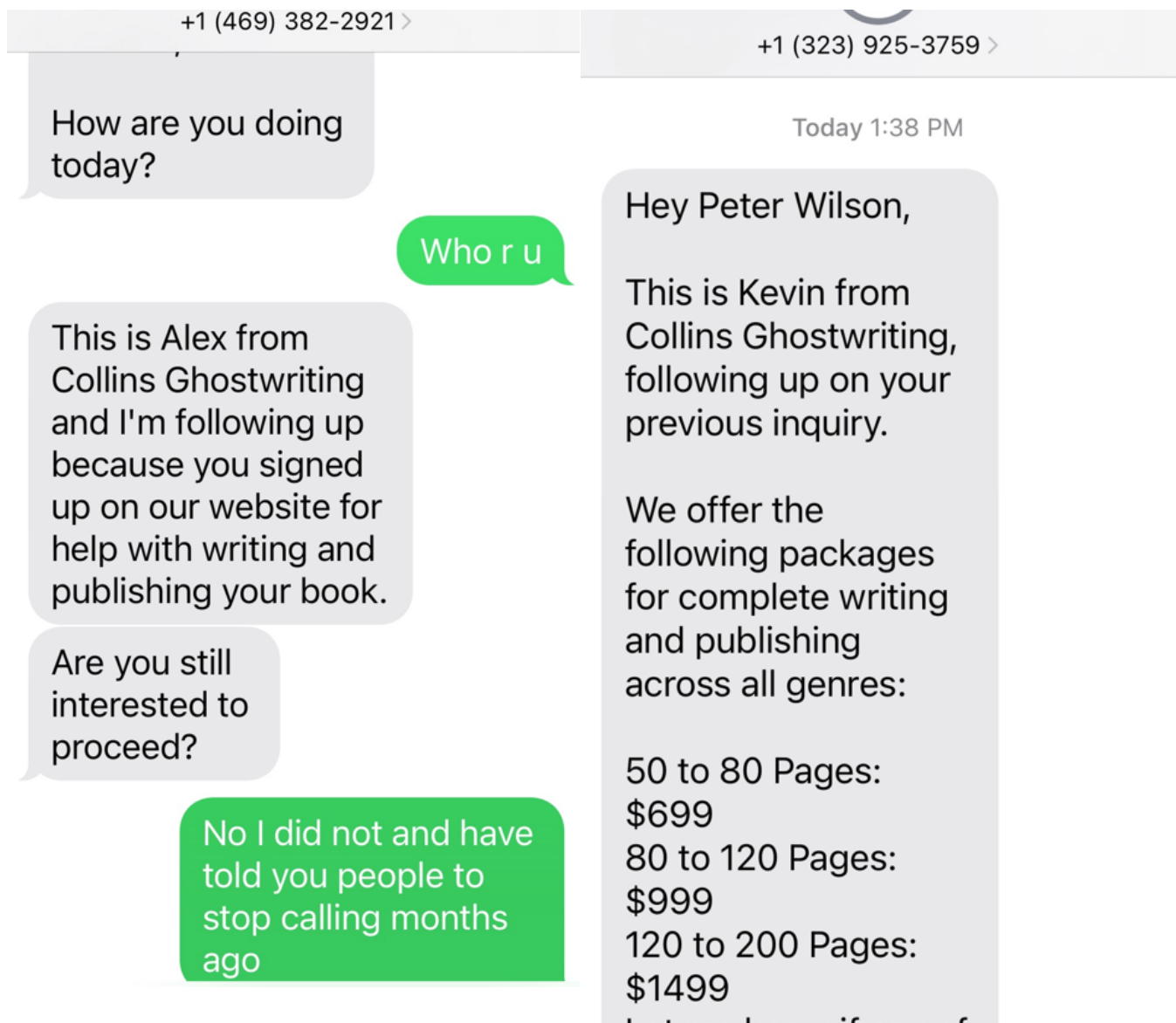
17. Plaintiff Wilson uses the telephone number for personal, residential, and household needs and reasons.

18. The number is a residential telephone line because it is assigned to a telephone exchange service for consumers and is not assigned to a telephone exchange service for businesses.

19. Plaintiff Wilson’s number has been on the National Do Not Call Registry since he registered it there in 2007, well over a year prior to receiving the calls at issue.

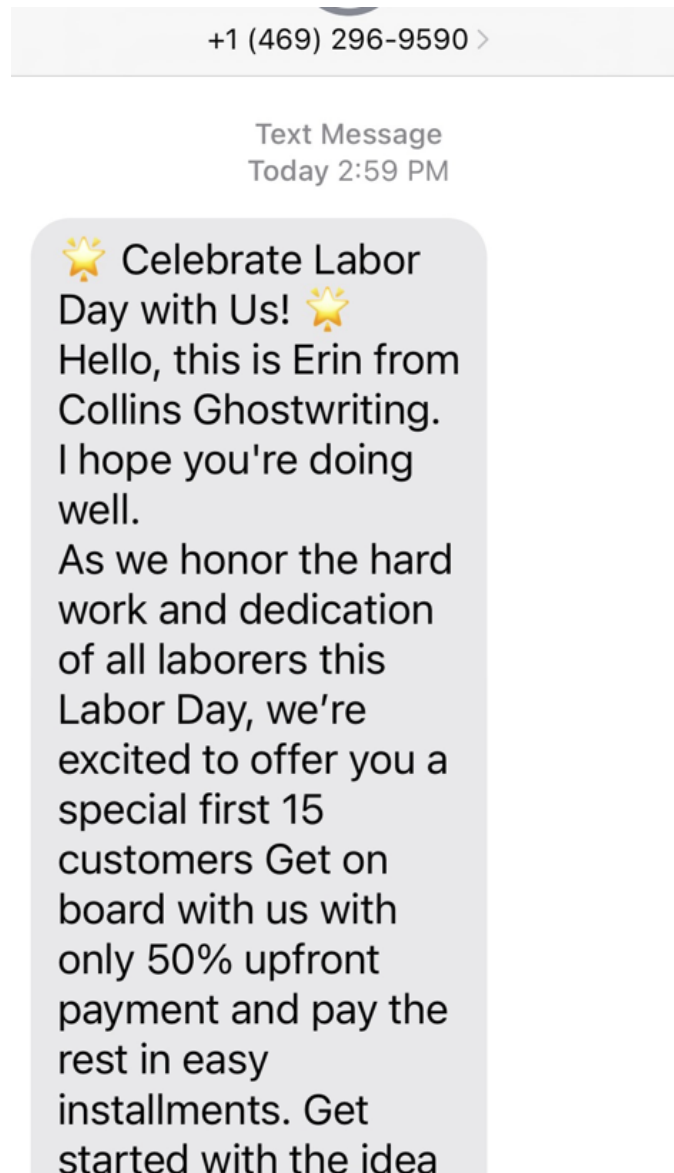


20. Despite that, Mr. Wilson received at least 9 telemarketing text messages from the telephone numbers 469-382-2921, 469-296-9590, 469-373-4909, 323-925-3759, and 323-285-2988, between December 23, 2023 and present. Screenshots of some of these messages appear below:



21. Contrary to these text messages, the Plaintiff had never inquired about the Defendant's services. The Defendant contacted the Plaintiff out of the blue and refused to stop when asked repeatedly.

22. The messages were incessant, sometimes occurring on holidays like Labour Day, including after the aforementioned text message whereby Plaintiff requested they stop:



23. Because they were sent to encourage the purchase of ghostwriting services, the text messages were telemarketing.

24. Under the TCPA, as confirmed by the Supreme Court, text messages are “calls” for the purposes of the TCPA. *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 153 (2016).

25. A reasonable seller would investigate into the reasons why they would be sending calls and messages to numbers on the National Do Not Call Registry.

26. Plaintiff’s privacy has been violated by the above-described telemarketing calls/text messages.

27. Plaintiff never provided his consent or requested these messages.

28. In fact, the Plaintiff never did any business whatsoever with the Defendant.

29. The aforementioned messages that were sent to the Plaintiff were unwanted.

30. The messages were non-consensual encounters.

31. Plaintiff received more than one telemarketing solicitation within a 12-month period to his private, residential cell phone.

32. Plaintiff and all members of the Class, defined below, have been harmed by the acts of Defendant because their privacy has been violated and they were annoyed and harassed. In addition, the messages occupied their telephone storage space, rendering them unavailable for legitimate communication and other legitimate uses, including while driving, working, and performing other critical household tasks for which storage is required.

## V. CLASS ACTION ALLEGATIONS

33. Class Definition. Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3), Plaintiff brings this case on behalf of the Class (the “Class”) defined as follows:

**National Do Not Call Registry Class**: All persons in the United States whose (1) telephone numbers were on the National Do Not Call Registry for at least 31

days, (2) but who received more than one telemarketing text message or call from or on behalf of a Collins entity, (3) within a 12-month period, (4) at any time in the period that begins four years before the date of filing this Complaint to trial

34. Excluded from the Class are counsel, Defendant, any entities in which Defendant has a controlling interest, Defendant's agents and employees, any judge to whom this action is assigned, and any member of such judge's staff and immediate family.

35. The Class, as defined above, is identifiable through telephone records and telephone number databases.

36. The potential members of the Class likely number at least in the hundreds because of the *en masse* nature of telemarketing calls.

37. Individual joinder of these persons is impracticable.

38. Additionally, the disposition of the claims in a class action will provide substantial benefit to the parties and the Court in avoiding a multiplicity of identical suits.

39. Plaintiff is a member of the Class and will fairly and adequately represent and protect the interests of the Class as he has no interests that conflict with any of the class members.

40. Plaintiff and all members of the Class have been harmed by the acts of Defendant, including, but not limited to, the invasion of their privacy, annoyance, waste of time, and the intrusion on their telephone that occupied it from receiving legitimate communications.

41. This class action complaint seeks injunctive relief and money damages.

42. There are numerous questions of law and fact common to Plaintiff and members of the Class. These common questions of law and fact include, but are not limited to, the following:

a. Whether Defendant systematically made multiple telephone calls to members of the National Do Not Call Registry Class;

b. whether Defendant made calls to Plaintiff and members of the National Do Not Call Registry Class without first obtaining prior express written consent to make the calls; and

c. whether members of the Class are entitled to treble damages based on the willfulness of Defendant's conduct.

43. Plaintiff's claims are typical of the claims of the Class, as they arise out of the same common course of conduct by Defendant and are based on the same legal and remedial theories.

44. Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class, he will fairly and adequately protect the interests of the Class, and he is represented by counsel skilled and experienced in class actions, including TCPA class actions.

45. Common questions of law and fact predominate over questions affecting only individual class members, and a class action is the superior method for fair and efficient adjudication of the controversy. The only individual question concerns identification of class members, which will be ascertainable from records maintained by Defendant and/or its agents.

46. A class action is the superior method for the fair and efficient adjudication of this controversy. Class-wide relief is essential to compel Defendant to comply with the TCPA. The interests of individual members of the Class in individually controlling the prosecution of separate claims against Defendant is small because the damages in an individual action for violation of the TCPA are small. Management of these claims is likely to present significantly more difficulties than are presented in many class claims. Class treatment is superior to multiple individual suits or piecemeal litigation because it conserves judicial resources, promotes

consistency and efficiency of adjudication, provides a forum for small claimants, and deters illegal activities. There will be no significant difficulty in the management of this case as a class action.

47. Defendant has acted on grounds generally applicable to the Class, thereby making final injunctive relief and corresponding declaratory relief with respect to the Class appropriate on a class-wide basis. Moreover, on information and belief, Plaintiff alleges that the telephone solicitation calls made by Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf that are complained of herein are substantially likely to continue in the future if an injunction is not entered.

**FIRST CAUSE OF ACTION**  
**Telephone Consumer Protection Act**  
**Violations of 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)**  
**(On Behalf of Plaintiff and the National Do Not Call Registry Class)**

48. Plaintiff repeats the prior allegations of this Complaint and incorporates them by reference herein.

49. The foregoing acts and omissions of Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf constitute numerous and multiple violations of the TCPA, 47 U.S.C. § 227, by making telemarketing calls, except for emergency purposes, to Plaintiffs and members of the National Do Not Call Registry Class despite their numbers being on the National Do Not Call Registry.

50. Defendant's violations were negligent, willful, or knowing.

51. As a result of Defendant's, and/or their affiliates, agents, and/or other persons or entities acting on Defendant's behalf, violations of the TCPA, 47 U.S.C. § 227, Plaintiff and members of the National Do Not Call Registry Class are presumptively entitled to an award of between \$500 and \$1,500 in damages for each call made.

52. Plaintiff and the members of the National Do Not Call Registry Class are also entitled to and do seek injunctive relief prohibiting Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf from making telemarketing calls to telephone numbers registered on the National Do Not Call Registry, except for emergency purposes, in the future.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for the following relief:

- A. Certification of the proposed Class;
- B. Appointment of Plaintiff as representative of the Class;
- C. Appointment of the undersigned counsel as counsel for the Class;
- D. An order enjoining Defendant and/or its affiliates, agents, and/or other persons or entities acting on Defendant's behalf from making telemarketing calls to numbers on the National Do Not Call Registry, absent an emergency circumstance;
- E. An award to Plaintiff and the Class of damages, as allowed by law; and
- F. Orders granting such other and further relief as the Court deems necessary, just, and proper.

### **VI. DEMAND FOR JURY**

Plaintiff demands a trial by jury for all issues so triable.

RESPECTFULLY SUBMITTED AND DATED this October 18, 2024.

/s/ Andrew Roman Perrong  
Andrew Roman Perrong, Esq.  
Perrong Law LLC  
S.D. Tex. #333687  
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*Pro Hac Vice*

*Attorney for Plaintiff and the Proposed Class*



## 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

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

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

## DEFENDANTS

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

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

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## 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>INTELLECTUAL 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 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 Reopened ☐ 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):

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover 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.

ORIGINAL

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'25 APR 11 PM 2:51

KM

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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§  
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§

3 - 25 CV 0907 - E

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

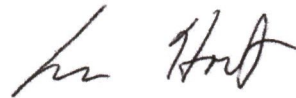
I. Such further relief as the Court deems necessary, just, and proper.

**Demand For Jury Trial**

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

Dated: 4/11/2025

Respectfully submitted,



---

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

## 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

*Karen M. [Signature]*

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:



AO 440 (Rev. 06/12) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas



PETER WILSON, individually and on  
behalf of all others similarly situated,

\_\_\_\_\_  
*Plaintiff(s)*

v.

TEXONA MARKETING LLC D/B/A  
COLLINS GHOSTWRITING

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 24-4003

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* TEXONA MARKETING LLC D/B/A COLLINS GHOSTWRITING  
10998 S WILCREST DR STE 150  
HOUSTON, TX 77099-3581

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:

Andrew Roman Perrong  
Perrong Law LLC  
2657 Mount Carmel Avenue  
Glenside, PA 19038  
215-225-5529  
a@perronglaw.com

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.

Nathan Ochsner, Clerk of Court

Date: October 30, 2024



s/ Rhonda Moore-Konieczny  
Signature of Clerk or Deputy Clerk

Civil Action No. 24-4003

**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:

# UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

**PETER WILSON**

*Plaintiff*

v.

**TEXONA MARKETING LLC D/B/A COLLINS  
GHOSTWRITING**

*Defendant*

Civil Action No. 24-4003

## AFFIDAVIT OF SERVICE

I, Leodegreat Orji, state:

I am not a party to or interested in the outcome of this suit.

I received the following documents on November 3, 2024, at 2:54 pm. I delivered these documents to Texona Marketing LLC in Harris County, TX on November 12, 2024 at 1:52 pm at 10998 South Wilcrest Drive, 150, Houston, TX 77099 by leaving the following documents with Abdulaziz sema who as Owner is authorized by appointment or by law to receive service of process for Texona Marketing LLC.

### Summons

Asian Male, est. age 35-44, glasses: N, Black hair, 160 lbs to 180 lbs, 5' 6" to 5' 9".

Geolocation of Serve: <https://google.com/maps?q=29.662734,-95.5695662>

Photograph: See Exhibit 1

Total Cost: \$95.00

My name is Leodegreat Orji, my date of birth is 3/11/1994, and my address is 5331 Beverly Hill St, Houston, TX 77056, 2712, Houston, TX 77056, and USA.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FACTS HEREIN ARE TRUE AND CORRECT.

Executed in

Brazoria County,

TX on 11/13/2024.

*/s/ Leodegreat Orji*

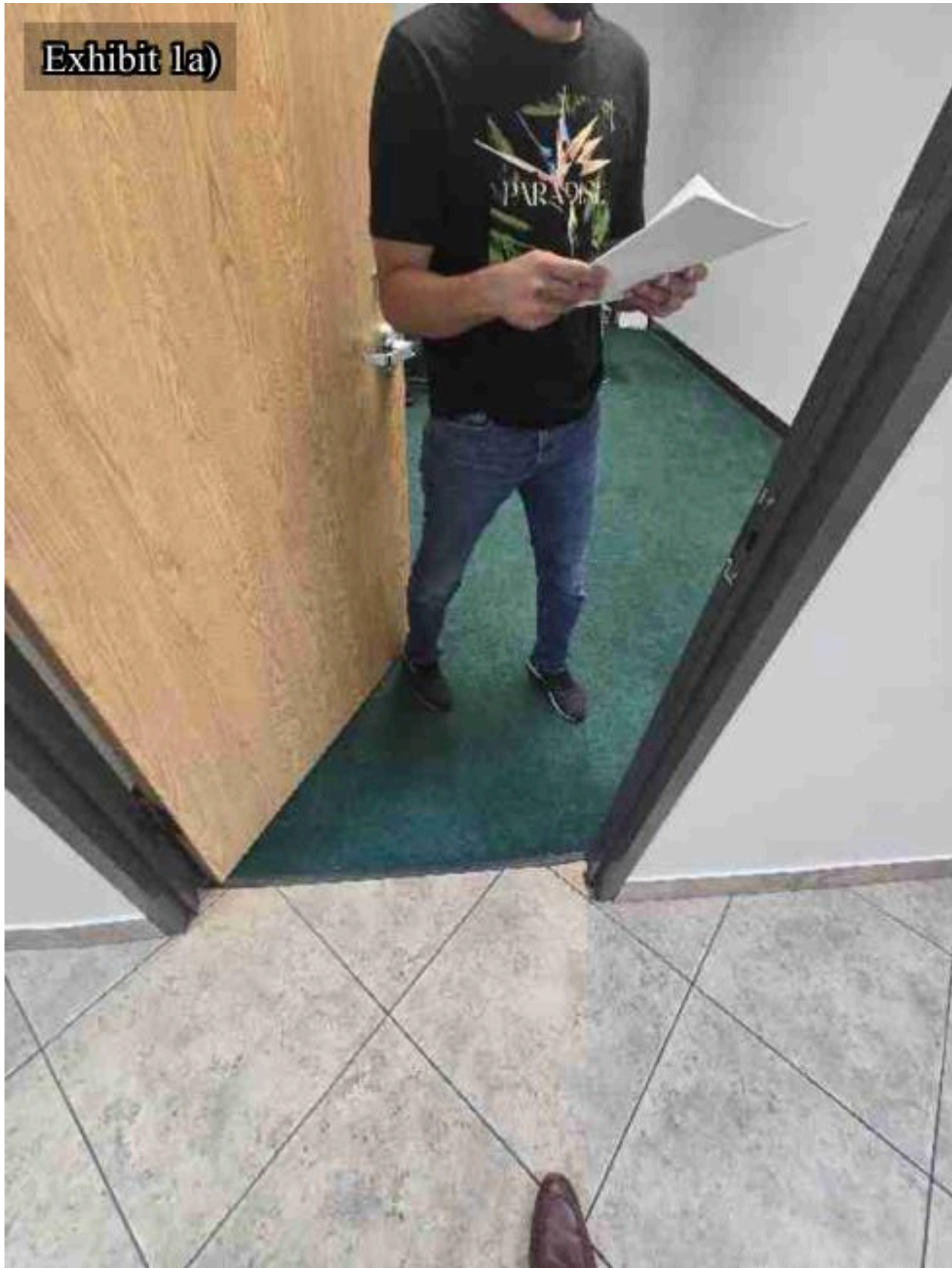
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Leodegreat Orji

+1 (281) 889-9010

Certification Number: PSC-23177

Expiration Date: 9/30/2025



**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>PETER WILSON, individually and on behalf of all others similarly situated, <i>Plaintiff,</i></b>	§ § § § § § § § § §	<b>vs. CIVIL ACTION NO. 4:24-CV-04003</b>
<b>TEXONA MARKETING, LLC d/b/a COLLINS GHOSTWRITING, <i>Defendant.</i></b>		

**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

Defendant Texona Marketing, LLC d/b/a Collins Ghostwriting, respectfully file this Motion for Extension of Time to File Answer. Defendant would show unto the Court the following:

**STATEMENT OF FACTS**

1. The Original Complaint in this matter was originally filed on or about October 18, 2024.
2. Defendant was served on or about November 12, 2024.
3. The deadline to file an Answer in this matter was on or about December 3, 2024.

**NEED FOR EXTENSION OF TIME**

4. Because of the Thanksgiving holiday and the death of a close family friend, the undersigned counsel for Defendant has been unable to fully investigate the claims of Plaintiff's Class Action Complaint for purposes of preparing an Answer.
5. Considering the circumstances, and the undersigned counsel needs an opportunity to properly review and investigate Plaintiff's Class Complaint, Defendant

requests the Court grant an extension until January 8, 2025 for Defendant to file an Answer.

6. A court may grant a request to extend time for good cause. Fed. R. Civ. P. 6(b)(1)(A); see *Jenkins v. Commonwealth Land Title Ins. Co.*, 95 F.3d 791, 795 (9th Cir. 1996).

7. Defendant has filed this Motion for Extension of Time so that justice may be done and not for purposes of delay.

8. Defendant's counsel has attempted to confer with Plaintiff's counsel regarding the filing of this motion, and counsel for Plaintiff has agreed to an extension until January 8, 2025.

WHEREFORE, PREMISES CONSIDERED, Defendant Texona Marketing, LLC d/b/a Collins Ghostwriting respectfully prays that the Court grants its Motion for Extension of Time and for further relief, either at law or in equity, to which they may be justly entitled.

Dated: December 6, 2024

Respectfully submitted,

/s/ Ali A. Hakeem

Ali A. Hakeem

Of Counsel

Sowell, Walls & Powell PLLC

21320 Provincial Blvd.

Katy, Texas 77450

Southern District of Texas Federal ID No.

3644314

Texas Bar No. 24065354

(832) 437-0973

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2024, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to the following:

Andrew Roman Perrong  
Perrong Law, LLC  
2657 Mount Carmel Ave  
Glenside, PA 19038  
Tel: (215) 225-5529  
Fax: (888) 339-0305  
Email: a@perronglaw.com

/s/ Ali A. Hakeem

Ali A. Hakeem



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PETER WILSON, individually and on	§	
behalf of all others similarly situated,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION NO. 4:24-CV-04003
	§	
TEXONA MARKETING, LLC d/b/a	§	
COLLINS GHOSTWRITING,	§	
<i>Defendant.</i>	§	

**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

On this day came to be heard Defendant Texona Marketing, LLC d/b/a Collins Ghostwriting's Motion for Extension of Time to File Answer.

After considering the Motion, the Court is of the opinion that the Motion should be and hereby is GRANTED. IT IS, THEREFORE, ORDERED that the deadline for Defendant to file an Answer be extended through January 8, 2025.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2024.

---

UNITED STATES DISTRICT JUDGE

**ENTERED**

December 10, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**PETER WILSON, individually and on  
behalf of all others similarly situated,  
*Plaintiff,***

**vs.**

**TEXONA MARKETING, LLC d/b/a  
COLLINS GHOSTWRITING,  
*Defendant.***

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**CIVIL ACTION NO. 4:24-CV-04003**

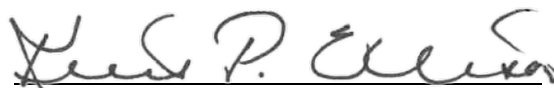
**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE ANSWER**

On this day came to be heard Defendant Texona Marketing, LLC d/b/a Collins Ghostwriting's Motion for Extension of Time to File Answer. ECF 7.

After considering the Motion, the Court is of the opinion that the Motion should be and hereby is GRANTED. IT IS, THEREFORE, ORDERED that the deadline for Defendant to file an Answer be extended through January 8, 2025.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas on December 6th, 2024.



KEITH P. ELLISON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**PETER WILSON, individually and on  
behalf of all others similarly situated,  
Plaintiff,**

**VS.**

**TEXONA MARKETING, LLC d/b/a  
COLLINS GHOSTWRITING,  
Defendant.**

\*\*\*\*\*

CIVIL ACTION NO. 4:24-CV-04003

**DEFENDANT TEXONA MARKETING, LLC'S ANSWER AND DEFENSES TO  
PLAINTIFF'S ORIGINAL COMPLAINT**

Defendant Texona Marketing, LLC (hereinafter collectively referred to as “Defendant” or “Yakkala”) respectfully files this Answer and Defenses to Plaintiff’s Original Complaint. The following sections and numbered paragraphs correspond to the sections and numbered paragraphs in Plaintiff’s Original Complaint. To the extent the allegations within Plaintiff’s Original Complaint are not expressly admitted, they are hereby denied.

## I. INTRODUCTION

**PARAGRAPH NO. 1:**

Paragraph 1 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 2:**

Paragraph 2 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 3:**

Defendant denies that it has violated the Telephone Consumer Protection Act (“TCPA”).

**PARAGRAPH NO. 4:**

Defendant denies that it made illegal telemarketing calls and that Plaintiff qualifies as a class representative for the alleged claims.

**II. PARTIES**

**PARAGRAPH NO. 5:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 5.

**PARAGRAPH NO. 6:**

Defendant admits the allegations of Paragraph No. 6.

**III. JURISDICTION AND VENUE**

**PARAGRAPH NO. 7:**

Paragraph 7 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 8:**

Defendants admits the allegations of Paragraph 8.

**PARAGRAPH NO. 9:**

Defendants admits the allegations of Paragraph 9.

**IV. FACTS**

**A. Enactment of the TCPA and its Regulations**

**PARAGRAPH NO. 10:**

Paragraph 10 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 11:**

Paragraph 11 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 12:**

Paragraph 12 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 13:**

Paragraph 13 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 14:**

Paragraph 14 contains legal conclusions that need not be admitted or denied.

**B. Unsolicited Telemarketing to Plaintiff**

**PARAGRAPH NO. 15:**

Paragraph 15 contains allegations that need not be admitted or denied.

**PARAGRAPH NO. 16:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 16.

**PARAGRAPH NO. 17:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 17.

**PARAGRAPH NO. 18:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 18.

**PARAGRAPH NO. 19:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 19.

**PARAGRAPH NO. 20:**

Defendant admits that text messages were sent to Plaintiff.

**PARAGRAPH NO. 21:**

Defendant denies Plaintiff's allegations that he never inquired about Defendant's services, and that Plaintiff was contacted out of the blue.

**PARAGRAPH NO. 22:**

Defendant denies that it sent incessant text messages.

**PARAGRAPH NO. 23:**

Defendant admits the allegations of Paragraph 23.

**PARAGRAPH NO. 24:**

Paragraph 24 contains legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 25:**

Paragraph 25 contains allegations that need not be admitted or denied.

**PARAGRAPH NO. 26:**

Defendant denies any alleged violations under the TCPA and lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 26.

**PARAGRAPH NO. 27:**

Defendant denies the allegations of Paragraph No. 27.

**PARAGRAPH NO. 28:**

Defendant admits that, despite Plaintiff's inquiry into Defendant's services, no business was conducted between the parties.

**PARAGRAPH NO. 29:**

Defendant denies the allegations of Paragraph 29.

**PARAGRAPH NO. 30:**

Defendant denies the allegations of Paragraph 30.

**PARAGRAPH NO. 31:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of whether the redacted alleged phone number by Plaintiff was his private, residential cell phone.

**PARAGRAPH NO. 32:**

Defendant denies the allegations of Paragraph 32.

**V. CLASS ACTION ALLEGATIONS**

**PARAGRAPH NO. 33:**

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 33, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 34:**

Paragraph 34 contains allegations and legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 35:**

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 35, otherwise, contains allegations and legal conclusions that need not be admitted or denied.



**PARAGRAPH NO. 36:**

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry.

**PARAGRAPH NO. 37:**

Defendant denies the allegations of Paragraph 37.

**PARAGRAPH NO. 38:**

Defendant denies the allegations of Paragraph 38.

**PARAGRAPH NO. 39:**

Defendant denies the allegations of Paragraph 39.

**PARAGRAPH NO. 40:**

Defendant denies the allegations of Paragraph 40.

**PARAGRAPH NO. 41:**

Paragraph 41 contains allegations and legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 42:**

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 42, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 43:**

Defendant denies any violations of the TCPA and sending any unsolicited text messages to Plaintiff or any person on the National Do Not Call Registry. Paragraph 43, otherwise, contains allegations and legal conclusions that need not be admitted or denied.

**PARAGRAPH NO. 44:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 44.

**PARAGRAPH NO. 45:**

Defendant lacks knowledge or information sufficient to form a belief about the truth of Plaintiff's allegations in Paragraph No. 45.

**PARAGRAPH NO. 46:**

Defendant denies the allegations of Paragraph 46.

**PARAGRAPH NO. 47:**

Defendant denies the allegations of Paragraph 47.

**FIRST CAUSE OF ACTION  
Telephone Consumer Protection Act  
Violations of 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)  
(On Behalf of Plaintiff and the National Do Not Call Registry Class)**

**PARAGRAPH NO. 48:**

Defendant repeats its responses to prior allegations of Plaintiff's Complaint.

**PARAGRAPH NO. 49:**

Defendant denies the allegations of Paragraph 49.

**PARAGRAPH NO. 50:**

Defendant denies the allegations of Paragraph 50.

**PARAGRAPH NO. 51:**

Defendant denies the allegations of Paragraph 51.

**PARAGRAPH NO. 52:**

Defendant denies the allegations of Paragraph 52.

**PRAYER**

Defendant Texona Marketing, LLC prays that Plaintiff takes nothing by this action, that Defendant recover its costs, and that Defendant be granted such other and further relief to which it may show itself to be justly entitled.

Dated: January 9, 2025

Respectfully submitted,

/s/ Ali A. Hakeem

Ali A. Hakeem

Of Counsel

Sowell, Walls & Powell PLLC

21320 Provincial Blvd.

Katy, Texas 77450

SDTX Federal ID No. 3644314

Texas Bar No. 24065354

(832) 437-0973

Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2025, I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to the following:

Andrew Roman Perrong  
Perrong Law, LLC  
2657 Mount Carmel Ave  
Glenside, PA 19038  
Tel: (215) 225-5529  
Fax: (888) 339-0305  
Email: a@perronglaw.com

/s/ Ali A. Hakeem

Ali A. Hakeem

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

PETER WILSON, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

TEXONA MARKETING, LLC d/b/a  
COLLINS GHOSTWRITING, Defendant.

Civil Case No.: 4:24-cv-04003

**NOTICE OF APPEARANCE**

Anthony I. Paronich is filing this Notice of Appearance on behalf of the plaintiff.

Dated: January 9, 2025

PLAINTIFF,

/s/ Anthony Paronich

Anthony Paronich

Email: anthony@paronichlaw.com

PARONICH LAW, P.C.

350 Lincoln Street, Suite 2400

Hingham, MA 02043

Telephone: (617) 485-0018

Facsimile: (508) 318-8100

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

PETER WILSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

TEXONA MARKETING LLC D/B/A  
COLLINS GHOSTWRITING

Defendant.

Case No.

**4:24-CV-04003**

**JURY TRIAL DEMANDED**

**JOINT DISCOVERY/CASE MANAGEMENT PLAN  
UNDER RULE 26(f)  
FEDERAL RULES OF CIVIL PROCEDURE**

1. **State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.**

The meeting between the parties was held virtually on January 16, 2025, by and between Anthony Paronich for Plaintiff and Ali Hakeem for the Defendant.

2. **List the cases related to this one that are pending in any state or federal court with the case number and court.**

None.

3. **Briefly describe what this case is about.**

Plaintiff's Statement: Plaintiff has brought this class action under the TCPA, alleging he received multiple telemarketing calls advertising the Defendant's ghostwriting services, despite Plaintiff having placed her residential phone number on the National Do Not Call Registry, previously revoking any consent to having received the calls, and never having consented to the calls to begin with. Through the class he has pled, Plaintiff seeks to represent other individuals who received similar communications from the Defendant.

4. **Specify the allegation of federal jurisdiction.**

The basis for federal jurisdiction is federal question because the TCPA is a federal statute.

**5. Name the parties who disagree and the reasons.**

The parties do not disagree that federal jurisdiction is proper.

**6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.**

The Plaintiff may add additional parties such as marketing vendors, as revealed through discovery, which may have had a role in placing any of the calls at issue.

**7. List anticipated interventions.**

None.

**8. Describe class-action issues.**

Plaintiff's Statement: The Plaintiff intends to file a motion for class certification under Rule 23 of the Federal Rules of Civil Procedure. The issue to be decided through such a motion will be whether the Court should certify the putative class of individuals similarly situated who also received calls from the Defendant. In order to prove his case as well as that of the Class, the Plaintiff will require discovery, generally speaking, into the calling conduct at issue, including the calling records, which may be in the possession of third-party telephone companies. The Plaintiff will use such calling data to prove his claims as well as those of the class members, as well as to identify class members who received calls to their numbers on the Do Not Call Registry.

**9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.**

The parties have not yet made their initial disclosures, but are in the process of doing so within 14 days of their Rule 26(f) conference.

**10. Describe the proposed agreed discovery plan, including:**

**A. Responses to all the matters raised in Rule 26(f).**

Plaintiff's Statement: In order to prove his case as well as that of the Class, the Plaintiff will require discovery, generally speaking, into the calling conduct at issue, including calling records. The Plaintiff will use such calling data to prove his claims

as well as those of the class members, as well as to identify class members. Relatedly, and in order to meet any affirmative defense proffered by the Defendant, such as that of consent, the Plaintiff will need to seek information relating to Defendant's policies and procedures regarding compliance and enforcing employee compliance with the TCPA. The TCPA also provides for treble damages if conduct is found to be knowing or willful. Accordingly, the Plaintiff will need to seek information tending to show Defendant's negligence or willfulness regarding TCPA violations. The Plaintiff will also retain an expert to analyze classwide calling data once it is obtained to ascertain class members and which all class members were on the Do Not Call Registry. Discovery need not be conducted in phases or limited to or focused on particular issues. Discovery will not include substantial or complex production of ESI, as the main form of ESI will take the form of the Defendant's own calling records to be analyzed.

**B. When and to whom the plaintiff anticipates it may send interrogatories.**

The Plaintiff anticipates sending interrogatories starting on January 16, 2025. The interrogatories will be directed as an initial matter to the Defendant.

**C. When and to whom the defendant anticipates it may send interrogatories.**

Defendant anticipates sending interrogatories by January 24, 2025.

**D. Of whom and by when the plaintiff anticipates taking oral depositions.**

The Plaintiff anticipates taking the oral depositions of the Defendant's 30(b)(6) representative, and may also take the depositions of other individuals who may have been involved in the placement and sending of the calls, as revealed through discovery. The Plaintiff anticipates taking those depositions shortly after the Plaintiff has received responses to the first set of discovery and any follow up discovery, sometime in late April or early May of 2025.

**E. Of whom and by when the defendant anticipates taking oral depositions.**

Defendant anticipates taking the Plaintiff's oral deposition shortly after receiving responses to his first set of discovery and any follow up discovery sometime in May or June of 2025.

**F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.**

The Plaintiff will be able to designate experts and provide the required expert reports shortly after classwide calling data is obtained from the Defendant. This will likely be



sometime around March or April of 2025, assuming that no issues in production of classwide calling data arise.

Defendant will be able to designate experts and provide required expert reports 30 -45 days after the Plaintiff designates experts and provide their required expert reports.

**G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).**

The Plaintiff will take the deposition of the Defendant's counter-expert on call log analysis within 30 days of the receipt of the Defendant's counter-expert report.

**H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).**

Defendant will take the deposition of the Plaintiff's expert on call log analysis within 30 days of the receipt of the Plaintiff's expert report

**11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.**

Not Applicable

**12. Specify the discovery beyond initial disclosures that has been undertaken to date.**

None at this time.

**13. State the date the planned discovery can reasonably be completed.**

August 31, 2025

**14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting**

The Plaintiff is amenable to setting this case, but in order to make an informed decision in tendering a settlement offer, the Plaintiff will need to, as an initial matter, receive and review basic classwide discovery outlining the scope and extent of the Defendant's calling conduct.

15. **Describe what each party has done or agreed to do to bring about a prompt resolution.**

Defendant will produce classwide calling records promptly. Plaintiff commits to analyzing them internally and expeditiously and then following up with the Defendant on a resolution conversation based on the results of that analysis.

16. **From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.**

After classwide calling records are produced, the Plaintiff suggests the parties engage in a private mediation.

17. **Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.**

The parties do not consent to a trial before a magistrate judge.

18. **State whether a jury demand has been made and if it was made on time.**

Plaintiff has demanded a jury and the timely demand was made in the Complaint.

19. **Specify the number of hours it will take to present the evidence in this case.**

It will take Plaintiff approximately 20 hours to present evidence in this case if proceeding on a classwide basis. It will take Plaintiff approximately 5 hours to present evidence in this case if proceeding on an individual basis.

Defendant will need approximately the same amount of time depending whether the case will proceed on a classwide basis or on an individual basis.

20. **List pending motions that could be ruled on at the initial pretrial and scheduling conference.**

None.

21. **List other motions pending.**

None.

**22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.**

This case is proceeding as a class action, necessitating the Court to set a date for the Plaintiff to move for Class Certification.

**23. List the names, bar numbers, addresses and telephone numbers of all counsel.**

Andrew Perrong, Bar Number PA333687, 2657 Mount Carmel Avenue, Glenside, PA 19038, 215-225-5529, counsel for Plaintiff

Anthony Paronich, Bar Number MA678437, 350 Lincoln Street Ste. 2400, Hingham. MA 02043, 617-485-0018, counsel for Plaintiff

Ali Hakeem, Bar Number TX 24065354, 21320 Provincial Blvd, Katy, TX 77450, 832.437.0973, counsel for Defendant

RESPECTFULLY SUBMITTED AND DATED this January 21, 2025.

/s/ Anthony I. Paronich

Anthony I. Paronich,  
**PARONICH LAW, P.C.**  
350 Lincoln Street, Suite 2400  
Hingham, MA 02043  
Telephone: (508) 221-1510  
Email: anthony@paronichlaw.com  
*Pro Hac Vice*

*Attorneys for Plaintiff*

/s/ Ali A. Hakeem

Ali A. Hakeem  
Of Counsel  
Sowell, Walls & Powell PLLC  
21320 Provincial Blvd.  
Katy, Texas 77450  
SDTX Federal ID No. 3644314  
Texas Bar No. 24065354  
(832) 437-0973  
*Attorney for Defendant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Peter Wilson

,

Plaintiff,

VS.

Texona Marketing LLC

Defendant.

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CIVIL ACTION NO. H- 4:24-cv-04003

**SCHEDULING/DOCKET CONTROL ORDER**

Anticipated Length of Trial: 5 Days

Jury: ☒ Non-Jury: ☐

1. (a) NEW PARTIES shall be joined by: February 28, 2025  
The Attorney causing the addition of new parties will provide copies of this Order to new parties.  
(b) **AMENDMENT TO PLEADINGS** by Plaintiff or Counter-Plaintiff shall be filed by:  
February 28, 2025
2. EXPERT WITNESSES for the PLAINTIFF will be identified by a report listing the qualifications of each expert, each opinion that the expert will present, and the basis for it. DUE DATE: May 15, 2025
3. EXPERT WITNESSES for the DEFENDANT will be identified by a report listing the qualifications of each expert, each opinion that the expert will present, and the basis for it. DUE DATE: June 30, 2025
4. DISCOVERY must be completed by: August 31, 2025  
Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline.  
(Due at least two weeks before motions deadline)
5. DISPOSITIVE AND NON-DISPOSITIVE MOTIONS (except motions *in limine*) will be filed by: September 30, 2025  
(Due 90 days prior to Trial)

6. JOINT PRETRIAL ORDER and MOTIONS *IN LIMINE*  
(The Court will fill in this date)

\_\_\_\_\_  
(Due the Monday before trial)

January 15, 2026

7. TRIAL will begin at 9:00 a.m.  
(The Court sets a firm trial date)

(15 Months from the date case filed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith P. Ellison  
United States District Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Plaintiff(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Defendant(s)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Peter Wilson

,

Plaintiff,

VS.

Texona Marketing LLC

Defendant.

§  
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§  
§

CIVIL ACTION NO. H- 4:24-cv-04003

**SCHEDULING/DOCKET CONTROL ORDER**

Anticipated Length of Trial: 5 Days

Jury: X Non-Jury: \_\_\_\_\_

1. (a) NEW PARTIES shall be joined by: February 28, 2025  
The Attorney causing the addition of new parties will provide copies of this Order to new parties.  
(b) **AMENDMENT TO PLEADINGS** by Plaintiff or Counter-Plaintiff shall be filed by: February 28, 2025
2. EXPERT WITNESSES for the PLAINTIFF will be identified by a report listing the qualifications of each expert, each opinion that the expert will present, and the basis for it. DUE DATE: May 15, 2025
3. EXPERT WITNESSES for the DEFENDANT will be identified by a report listing the qualifications of each expert, each opinion that the expert will present, and the basis for it. DUE DATE: May 15, 2025
4. DISCOVERY must be completed by: August 31, 2025  
Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline. (Due at least two weeks before motions deadline)
5. DISPOSITIVE AND NON-DISPOSITIVE MOTIONS (except motions *in limine*) will be filed by: September 30, 2025  
(Due 90 days prior to Trial)



6. JOINT PRETRIAL ORDER and MOTIONS *IN LIMINE*  
(The Court will fill in this date)

\_\_\_\_\_  
(Due the Monday before trial)

January 15, 2026

7. TRIAL will begin at 9:00 a.m.  
(The Court sets a firm trial date)

(15 Months from the date case filed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Keith P. Ellison  
United States District Judge


1/24/2025

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Counsel for Plaintiff(s)

1/24/2025

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Counsel for Defendant(s)