

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

STATE OF TEXAS, et al.,

Plaintiffs,

v.

RISING EAGLE CAPITAL GROUP LLC, et al.,

Defendants.

CASE NO. 4:20-cv-02021

**PLAINTIFFS' MOTION TO MODIFY THE STIPULATED ORDER FOR
PERMANENT INJUNCTION AND MONETARY JUDGMENT AGAINST
JOHN C. SPILLER, II**

TABLE OF CONTENTS

	Page No.
I. STATEMENT OF THE ISSUES	3
II. FACTS.....	3
A. The Underlying Case.....	3
B. Defendant Spiller’s Continuing Conduct	5
III. DISCUSSION.....	6
A. The Court Has the Authority to Modify Its Order.	6
B. Spiller’s Violations Constitute a Significant Change in Circumstances That Warrants Modification of the Injunction.....	8
C. The Proposed Modifications Are Suitably Tailored to the Changed Circumstances.	9
i. Proposed Modifications to the Stipulated Order	9
ii. Discussion of the Proposed Modifications to the Stipulated Order.....	11
IV. CONCLUSION	17

Plaintiff States of Arkansas, Indiana, Michigan, Missouri, North Carolina, North Dakota, Ohio, and Texas (collectively “Plaintiffs” or “Plaintiff States”) respectfully move this Court for an order modifying the Stipulated Order for Permanent Injunction and Monetary Judgment (“Stipulated Order” or “Order”) entered on March 6, 2023. (ECF No. 220) Plaintiffs request that the Court, under its inherent authority, modify its Stipulated Order against Defendant John C. Spiller, II, individually (“Spiller”), due to changed circumstances, namely, his violations of that Order.

I. STATEMENT OF THE ISSUES

Whether the Court should modify the Defendant Spiller’s Stipulated Order due to repeated and flagrant violations.

II. FACTS

A. The Underlying Case

Plaintiff States filed their Second Amended Complaint on October 30, 2020 (ECF No. 56) against Spiller and co-defendants alleging violations of federal and state telephone privacy and telemarketing laws in connection with the initiation of millions of outbound telephone calls which delivered artificial or prerecorded voice messages (“Robocalls”) to residents of the Plaintiffs’ states for the purpose of generating sales leads. Defendants Spiller and Jakob A. Mears (“Mears”) co-owned Defendants Rising Eagle Capital Group LLC, JSquared Telecom LLC, and Rising Eagle Capital Group-Cayman, which operated from Texas. They designed and provided a telephone dialer platform and provided the voice-over-Internet Protocol (“VoIP”) service that was used to initiate and deliver

deceptive and abusive Robocalls on behalf of their customers, including Defendants Health Advisors of America, Inc, Michael T. Smith, Jr., and Scott Shapiro.

All Plaintiffs resolved their claims against Defendant Spiller with a Stipulated Order for Permanent Injunction and Monetary Judgment entered on March 6, 2023. (ECF No. 220).

This Court's Stipulated Order permanently enjoined Defendant Spiller from engaging in or facilitating illegal telemarketing practices, including through the provision of telephony services. Despite the Order, Spiller continued to harass consumers in the Plaintiffs' states and nationwide with deceptive and abusive robocalls, and/or assisted and facilitated the transmittal of deceptive and abusive robocalls.

Therefore, Plaintiff States respectfully ask this Court to modify the Stipulated Order. The five proposed modifications include: 1) a permanent ban on the provision of any and all telephony services; 2) a permanent ban on certain business relationships; 3) a permanent ban on deceptive representations using aliases in customer engagement and in government business filings; 4) dissolution of certain business entities operated in whole or part by Spiller using aliases and false information in government filings and that facilitated illegal robocalls; and 5) an order requiring payment of the full monetary judgment amount owed to Plaintiffs due to nonpayment of the conditional payment option. Plaintiff States request these modifications to the Stipulated Order to enhance the injunctive provisions and to ensure Spiller's compliance with the Order going forward.

B. Defendant Spiller’s Continuing Conduct

As more fully set forth in Plaintiff States’ Motion for an Order to Show Cause, which is contemporaneously filed with this Motion, Defendant Spiller blatantly violated this Court’s permanent injunction, as well as other directives included in the Stipulated Order for Permanent Injunction and Monetary Judgment entered on March 6, 2023. (ECF No. 220). Defendant Spiller violated the terms of the Stipulated Order¹ by violating:

- Section I: Permanent Ban on Robocalls;
- Section II: Permanent Ban on Telemarketing;
- Section IV: Ban on Certain Calls;
- Section V: Permanent Ban on Certain Telephony Services;
- Section VII: Network Monitoring;
- Section VIII: Screening of Current and Prospective Customers;
- Section X: Permanent Ban on Certain Business Relationships;
- Section XI: Dissolution of the Corporate Entities;
- Section XIII: Monetary Judgment;
- Section XIV: Order Acknowledgments;
- Section XV: Compliance Reporting; and
- Section XVI: Record Keeping.

See ECF No. 257-1 at 42.

¹ For a breakdown of Defendant Spiller’s violations, see ECF No. 257-1 (Facts beginning at 13 and analysis beginning at 40).

Further, Spiller attempted to deceive Plaintiffs, the Court, and the public by using aliases, falsifying business records, and using his family member as a straw owner of one of his businesses in an attempt to continue doing business in the same manner that led to the filing of the Plaintiffs' Complaint. Because Spiller had a blatant disregard for the Stipulated Order, Plaintiffs request that this Court modify the Permanent Injunction to address Spiller's failures to adhere to the terms of the Stipulated Order.

III. DISCUSSION

The Permanent Injunction should be modified to protect consumers from Spiller's contemptuous behavior. As discussed below, the Court has clear authority to modify its permanent injunction in response to changed circumstances, and Spiller's violations constitute a significant change of circumstances that warrant modification of the injunction. The proposed modification, which would permanently enjoin Defendant Spiller from engaging in the provision of any and all telephony services, is suitably tailored to address the changed circumstances and protect consumers from Spiller's recidivistic behavior. Further, Plaintiffs believe that these modifications will have a greater impact on Spiller's behavior because it makes it abundantly clear that he cannot remain in the industry. While the Stipulated Order provided a narrow path for Spiller to operate or help operate a VoIP, the modifications below will foreclose that path.

A. The Court Has the Authority to Modify Its Order.

Courts have inherent authority to modify final orders, including permanent injunctions. *United States v. Swift Co.*, 286 U.S. 106, 114, 52 S. Ct. 460,462 (1932); *see also Rufo v. Inmates of Suffolk Co. Jail*, 502 U.S. 367, 378, 112 S. Ct. 748, 757 (1992);

United States v. Lawrence Cnty. Sch. Dist., 799 F.2d 1031, 1046 (5th Cir. 1986). Federal Rule of Civil Procedure 60(b)(5) codifies the Court's authority to modify its orders, and modification to impose additional relief is also appropriate where an injunction has failed to accomplish its objectives. *United States v. United Shoe Mach. Corp.*, 391 U.S. 244, 251, 88 S. Ct. 1496, 1501 (1968) (“decree has not ... achieved its 'principal objects'”); *Swift & Co.*, 286 U.S. at 114, 52 S. Ct. at 462 (“A continuing decree of injunction directed to events to come is subject always to adaptation as events may shape the need.”); *see also Police Ass'n of New Orleans ex rel. Cannatella v. New Orleans*, 100 F.3d 1159, 1168 (5th Cir. 1996) (“It is settled that, to the extent a decree is drafted to deal with events in the future, the court must remain continually willing to modify the order to ensure that it accomplishes its intended result.”) (citing *United Shoe*, 391 U.S. at 251, 88 S. Ct. at 1501).

A party seeking modification must show that: (1) a significant change in the facts or law warrants modification of the order; and (2) the proposed modification is suitably tailored to the changed circumstances. *Rufo*, 502 U.S. at 383, 112 S. Ct. at 760; *see also League of United Latin American Citizens, Dist. 19 v. City of Boerne*, 659 F.3d 421, 436 (5th Cir. 2011). Modification is “particularly important when an injunction involves changing conduct and facts not predicted at the time the injunction was issued.” *Clark v. Coye*, 60 F.3d 600, 604 (9th Cir. 1995). Although the party seeking relief bears the burden of establishing that changed circumstances warrant modification, “once a party carries this burden, a court abuses its discretion when it refuses to modify an injunction or consent decree in light of such changes.” *Horne v. Flores*, 557 U.S. 433, 447, 129 S. Ct. 2579, 2593 (2009) (internal quotation omitted).

In this matter, Spiller's violations of the Stipulated Order constitute significantly changed circumstances and, as discussed further below, the proposed Modified Order for Permanent Injunction is suitably tailored to address these changes.

B. Spiller's Violations Constitute a Significant Change in Circumstances That Warrants Modification of the Injunction.

Spiller's contemptuous conduct constitutes changed circumstances that warrant additional relief to protect consumers. Failure to comply with an order "can qualify as a significant change in circumstances that would justify" modification of the permanent injunction. *Labor/Community Strategy Ctr. V. L.A. County Metro. Transp. Auth.*, 564 F.3d 115, 1120-21 (9th Cir. 2009) (citing, *inter alia*, *Thompson v. HUD*, 404 F.3d 821, 828 (4th Cir. 2005) (affirming modification of decree based on changed circumstances of defendants' noncompliance)); *see also McGregor v. Chierico*, 206 F.3d 1378, 1386 n.9 (11th Cir. 2000) (affirming modification of final judgment in light of defendants' "continued fraudulent practices" after its entry); *FTC v. Trudeau*, 708 F. Supp. 2d 711, 720 (N.D. Ill. 2010) ("[W]illful violations of this court's orders...constitute sufficiently changed circumstances to merit modification of the 2004 Order to prevent further consumer harm and deter Trudeau from further violations."); *FTC v. Leshin*, Civ. No. 06-61851, 2009 WL 10667856, at *20 (S.D. Fla. Apr. 7, 2009) ("Contempt Defendants' demonstrated failure to comply with the Final Order constitutes appropriate changed circumstances warranting a modification of that order."), *aff'd*, 618 F.3d 1221 (11th Cir. 2010).

Defendant Spiller's continued facilitation of artificial or prerecorded voice telephone calls violates the fundamental purpose of the permanent injunction, which is to protect consumers from annoying, harassing, and abusive telephone calls. Despite the entry of the Stipulated Order and this Court's order prohibiting Defendant Spiller from making such calls, Defendant Spiller has continued to harass or helped others harass consumers by facilitating illegal prerecorded messages similar to or worse than those he had previously used, which resulted in this action.

Defendant Spiller has violated this Court's order while purposefully attempting to avoid detection by using alias names to conduct business² and by setting up business entities using straw owners, including his own family member, while Spiller himself served the vital functions of customer recruitment,³ maintaining management-level control over business functions and bank accounts,⁴ and reaping rewards of beneficial ownership.⁵

C. The Proposed Modifications Are Suitably Tailored to the Changed Circumstances.

The proposed modifications are suitably tailored to address the changed factual landscape and to protect consumers from Defendant Spiller's recidivistic behavior.

i. Proposed Modifications to the Stipulated Order

Plaintiffs are requesting that all the provisions of the Stipulated Order remain in full force and effect and are supplemented by the proposed language below.

1. Defendant Spiller and his companies (including any subsidiaries or affiliates), officers, agents, and employees, and all other Persons in active concert or

² Spiller Deposition Transcript, ECF No. 257-4 at 3:17-23.

³ Speight Deposition Transcript, ECF No. 257-6 at 75:22-25.

⁴ *Id.* at 38:14-39:6; 136:8-20; 137:4-9; 137:13-16.

⁵ *Id.* at 94:1-10.

participation with him who receive actual notice of this Order by personal service or otherwise, whether acting directly or indirectly, are hereby permanently restrained and enjoined from:

- a. Engaging in, or Assisting and Facilitating others to engage in, the provision of any and all Telephony Services, including but not limited to providing number resources, consulting for, or deriving any income from the provision of Telephony Services, and/or Assisting or Facilitating any persons engaged in Telephony Services as a source of income.
 - i. “Telephony Services” means wireline or wireless telecommunications services, including, without limitation:
 1. The dialing, origination, termination, routing, or transmission of any telephone calls made over a public switched telephone network;
 2. VoIP Services;
 3. Electronic messaging services;
 4. Ringless voicemail messages;
 5. Text messaging services, including but not limited to, short message service (“SMS”), multimedia messaging service (“MMS”), over the top messaging service (“OTT”); or
 6. Any other common carriage, telecommunications, or information services;
- b. Engaging in, or Assisting and Facilitating others to engage in, entering into or continuing any business relationship, including, without limitation, consulting services, with (A) Steve Emory, Allan Noorda, Jay Kordic, and Andy Jones or any of their existing or future companies, and/or (B), Harold Speight and Margarita (“Maggie”) Casanova or any of their existing or future companies, if Harold Speight, Maggie Casanova, or any of their existing or future companies offers Telephony Services as a service or product.
- c. Engaging in, or Assisting and Facilitating others to engage in, deceptive representations, including but not limited to:
 - i. Using by an alias when entering into or maintaining a business relationship, or when communicating with a Customer; or
 - ii. Filing or submitting documents to the federal government or a state government, including administrative agencies, or communicating with the federal government or a state government, including administrative agencies, where Defendant Spiller does not use his full legal name.

2. It is further ORDERED that Defendant Spiller shall take the steps necessary to cause the formal dissolution of VoIP4All LLC and ATX Telco LLC within sixty (60) days of the entry of this Order. Defendant Spiller shall provide Plaintiffs with documentation of the required dissolution no later than thirty 30 days after completion.
3. It is further ORDERED that the full amount of the monetary judgment in the amount of \$122,339,320 (One Hundred and Twenty-Two Million, Three Hundred and Thirty-Nine Thousand, Three Hundred and Twenty Dollars) as set forth in Section XIII of the Stipulated Order is due and payable to the Plaintiffs States. Paragraph B of Section XIII ordered Spiller to pay the amount of \$50,000 (Fifty Thousand Dollars) in civil penalties on or before twelve months following the Court's entry of this Order, of which \$10,000 was due 30 days following the Court's entry of this Order. Upon such payments, the remainder of the full judgment amount would have been suspended due to inability to pay, providing no other subsequent events set forth in the remaining subsections triggered reinstatement of the monetary judgment. Defendant Spiller has violated the Stipulated Order by failing to pay the amount of \$50,000 and therefore has waived or forfeited his option to have the great majority of the monetary judgment suspended.

ii. Discussion of the Proposed Modifications to the Stipulated Order

There are several distinct modifications to the Stipulated Order. Plaintiffs will describe the reasons for each modification in turn.

Ban on Providing Telephony Services

The proposed ban on all providing telephony services goes to the heart of Defendant Spiller's violations. Defendant Spiller has shown through his actions that he cannot be trusted to operate as a voice service provider that will properly vet customers and prevent customers from using his services to originate or facilitate illegal robocalls that harass call recipients with unwanted calls and pose economic harm to those consumers who suffer

losses as result of fraud calls.⁶ The TCPA, 47 U.S.C. 227 and its implementing rule, 47 C.F.R. 64.1200(k), require voice service providers to prevent new and renewing customers from using its network to originate or transmit suspected illegal robocalls. Defendant Spiller has demonstrated he will not comply with this Court's Order nor the rules established by the FCC which affirmatively obligate voice service providers to mitigate illegal robocall traffic.

Defendant Spiller's violations are not isolated incidents or accidents. Rather, Spiller has engaged in a continuous course of conduct since as early as January of 2019. Despite the Plaintiffs' filing of this action in June of 2020 and the Court's entry of the Stipulated Order in March of 2023, he has cavalierly chosen to continue to engage in the same acts and practices, apparently throughout the pendency of this litigation. Since the Plaintiffs' initial filing of this action in June of 2020, Spiller has set up at least three business entities, of which Plaintiff States are currently aware, from which he has facilitated or assisted others in facilitating illegal robocalls. Two of the three business entities operated and facilitated illegal robocalls after the Court's March 2023 Order.⁷

Further, Spiller's belated submission of his Compliance Report admitted to his many wrongdoings. It also stated "Im [sic] officially out of USA Voip. No more hearing my name at all." ECF No. 257-13 at 2. Spiller is both deserving of a permanent ban from Telephony Services and seemingly willing to accept a permanent ban.

⁶ *Consumer Sentinel Network - Data Book 2023*, FEDERAL TRADE COMMISSION (Feb. 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/CSN-Annual-Data-Book-2023.pdf at 10.

⁷ See ECF No. 275-1 at 23-24, 35-36.

Continuing under the terms of the existing permanent injunction will not achieve the original objective of protecting consumers from harassing telephone calls. *See United Shoe*, 391 U.S. at 251-52, 88 S. Ct. at 1501 (confirming court's authority to modify order when order's less drastic remedies were unsuccessful in achieving order objectives). The proposed permanent ban on the provision of any and all telephony services is necessary to protect consumers from abusive illegal robocalls from Spiller's continued course of conduct. Telephone subscribers are tired of recidivist robocallers limiting the enjoyment and utility of their telephones with aggravating prerecorded messages they did not consent to receive. Defendant Spiller has demonstrated through his continued violations that he cannot operate within the limitations set by the Court in the Stipulated Order; therefore, he should be enjoined entirely from participation in the industry.

Defendant Spiller has notified Plaintiffs he intends on continuing in the telecommunications industry by making "SMS sales" with Victory Telecom. ECF No. 275-13 (Spiller's compliance report) at 3. As he has shown with the current Stipulated Order, Plaintiffs believe that Defendant Spiller will violate injunctive terms that have caveats. Being able to assist and facilitate in text messaging operations will likely lead to the same outcome that has happened here: Spiller and those he helps will bother citizens of the Plaintiff states with messages. Including text messages in the ban on Telephony Services ensures that Spiller does not have the leeway to switch his delivery method from robocalls to texts messages to invade our citizen's privacy.

The proposed ban is also consistent with the actions other courts have taken in enjoining defendants from telemarketing and future participation in entire lines of business.

See, e.g., FTC v. Gill, 265 F.3d 944, 956 (9th Cir. 2001) (upholding district court's injunction banning defendant from credit repair business); *FTC v. Inc21.com Corp.*, 745 F. Supp. 2d 975, 1010 (N.D. Cal. 2010) (imposing permanent ban on phone bill charges), *aff'd*, 475 Fed. App'x 106 (9th Cir. 2012); *Chierico*, 206 F.3d at 1386 n.9 (upholding modified final order banning defendant from all telemarketing and from selling office supplies via direct mail); *FTC v. Neiswonger*, 494 F. Supp. 2d 1067, 1084 (E.D. Mo. 2007), *aff'd*, 580 F.3d 769 (8th Cir. 2009) (modifying order following contempt to ban defendant from all telemarketing and from marketing business opportunities); *FTC v. J.K. Publ'ns, Inc.*, 99 F. Supp. 2d 1176, 1209 (C.D. Cal 2000) (ban on, inter alia, ownership, control, or management of "any business that handles consumers' credit card or debit card accounts, or the information therefrom"); *FTC v. Five Star Auto Club*, 97 F. Supp. 2d 502, 536 (S.D.N.Y. 2000) (ban on multi-level marketing) (citing additional cases); *FTC v. Publ'g Clearing House, Inc.*, Civ. No. 94-623, 1995 WL 367901, at *4 (D. Nev. May 12, 1995), *aff'd*, 104 F.3d 1168 (9th Cir. 1997) (ban on prize-promotion telemarketing).

Ban on Certain Business Relationships

The proposed ban on certain business relationships ensures that Defendant Spiller cannot continue to violate the Stipulated Order with the same people. Defendant Spiller has shown through his actions that he is able to manipulate or find persons who knowingly or unknowingly help him violate the law and/or Stipulated Order. Further, the proposed modification allows for Defendant Spiller to continue business relationships with Harold Speight (stepfather) and Maggie Casanova (girlfriend/fiancée), so long as those business relationships do not include Telephony Services.

As addressed in the previous section, continuing under the terms of the existing permanent injunction will not achieve the original objective of protecting consumers. *See United Shoe*, 391 U.S. at 251-52, 88 S. Ct. at 1501. The proposed permanent ban on working with those who helped Defendant Spiller violate the Stipulated Order is necessary to ensure Defendant Spiller does not violate the Stipulated Order. Thus, it is necessary to protect consumers from abusive calls.

Ban on Deceptive Representations

The proposed ban on deceptive representations ensures that Defendant Spiller cannot continue to violate the Stipulated Order by using an alias or falsifying business records that are filed with the federal and state governments, including agencies. Defendant Spiller has shown he is willing to falsify records that are filed with the FCC and different Secretaries of State, all while attesting that the filings are true and accurate under penalty of perjury. If Defendant Spiller is allowed to continue falsifying records and/or using aliases in his business dealings, it is likely that Defendant Spiller will continue to try to hide his activities from the public and regulators.

As in the previous sections, continuing under the terms of the existing permanent injunction will not achieve the original objective of protecting consumers. *See United Shoe*, 391 U.S. at 251-52, 88 S. Ct. at 1501. The proposed modification will require Defendant Spiller to dissolve the instruments of his violations, making it more difficult for him to continue violating the Stipulated Order. Thus, it is necessary to protect consumers from abusive calls.

Modification to Dissolution of Business Entities.

The proposed requirement to dissolve his newest companies ensures that Spiller cannot use these legal entities to circumvent or violate the Stipulated Order. He created these entities in violation of the Stipulated Order, and it is reasonable to have them dissolved within sixty days.

As addressed in the previous sections, continuing under the terms of the existing permanent injunction will not achieve the original objective of protecting consumers. *See United Shoe*, 391 U.S. at 251-52, 88 S. Ct. at 1501. The proposed modification will require Defendant Spiller to dissolve the instruments of his violations, making it more difficult for him to continue violating the Stipulated Order. Thus, it is necessary to protect consumers from abusive calls.

Monetary Judgment

Under terms of the Monetary Judgment section of the Stipulated Order, Defendant Spiller's \$122,339,320 judgment was to be suspended after he paid \$50,000 for an inability to pay. Defendant Spiller was required to make the \$50,000 payment twelve months after the entry of the Stipulated Order. Further, the suspension of the \$122,339,320 judgment was contingent on Spiller not violating the terms of the Stipulated Order. "The suspension of the judgment will be lifted if, upon motion by a Plaintiff State, the Court finds that Defendant violated this Order."

Plaintiff States request the Court find Defendant Spiller violated the Stipulated Order and further recognize that the judgment in the full amount of \$122,339,320 is not suspended because the conditions for suspension have not been met.

The proposed strike on the suspended portion of the Monetary Judgment memorializes Defendant Spiller's current position with respect to the monetary judgment. He has not paid any of the \$50,000, he has flagrantly violated the Stipulated Order, and so, by the original terms of the Order, the monetary judgment is no longer eligible for suspension.

As addressed in the previous sections, continuing under the terms of the existing permanent injunction will not achieve the original objective of protecting consumers. *See United Shoe*, 391 U.S. at 251-52, 88 S. Ct. at 1501. While the dollar amount of the monetary judgment is a high dollar amount, it was bargained for between Plaintiff States and Defendant, and most importantly, only represents a fraction of Defendant Spiller's alleged violations. The recognition of the inapplicability of the original suspension of the judgment is reasonable because of Defendant Spiller's flagrant disregard for following the Stipulated Order and failure to comply with the terms that allowed the suspension to be in place.

IV. CONCLUSION

Defendant Spiller has demonstrated that the Court's current permanent injunction has not deterred him from facilitating or assisting others in initiating or facilitating illegal robocalls. His obstinacy effectively requires the Plaintiff States to request, and this Court to issue, injunctive relief stringent enough to bar him from any such contemptuous conduct in the future. Plaintiff States therefore request that the Court modify its permanent injunction to permanent ban Defendant Spiller from providing any and all Telephony Services (including text messages), discontinue his associations with additional players in

the robocall ecosystem, dissolve his businesses, cease misrepresenting himself in business transactions and falsifying records submitted to the government, and lifting the monetary judgment suspension.

Respectfully submitted,

FOR THE STATE OF ARKANSAS:

TIM GRIFFIN
Attorney General for the State of
Arkansas

/s/ Amanda Wentz
AMANDA WENTZ
Ark. Bar No. 2021066
Amanda.Wentz@ArkansasAG.gov
Assistant Attorneys General
Office of the Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-1178

Counsel for Plaintiff
STATE OF ARKANSAS

FOR THE STATE OF INDIANA:

TODD ROKITA
Attorney General for the State of Indiana

/s/ Joseph D. Yeoman
DOUGLAS S. SWETNAM
Indiana Bar No. 15860-49
douglas.swetnam@atg.in.gov
JOSEPH D. YEOMAN
Indiana Bar No. 35668-29
Joseph.Yeoman@atg.in.gov
Deputy Attorneys General
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
(317) 232-6294 (Swetnam)
(317) 234-1912 (Yeoman)
(317) 232-7979 (Fax)

Counsel for Plaintiff
STATE OF INDIANA

FOR THE STATE OF MICHIGAN:

DANA NESSEL
Attorney General for the State of
Michigan

/s/ Kathy Fitzgerald

KATHY FITZGERALD
Michigan State Bar No. P31454
fitzgeraldk@michigan.gov

SCOTT MERTENS
Michigan State Bar No. P60069
Mertenss@michigan.gov

MICHAEL S. HILL
Michigan State Bar No. P73084
HillM19@michigan.gov
Assistant Attorneys General
Corporate Oversight Division
Michigan Department of Attorney
General
P.O. Box 30736
Lansing, MI 48909
(517) 335-7632

Counsel for Plaintiff
STATE OF MICHIGAN

FOR THE STATE OF MISSOURI:

ANDREW BAILEY
Attorney General for the State of
Missouri

/s/ Michelle L. Hinkl

MICHELLE L. HINKL
Missouri State Bar No. 64494
Michelle.Hinkl@ago.mo.gov
Assistant Attorney General
Attorney General's Office
P.O. Box 861
St. Louis, MO 63188
Telephone: (314) 340-7961
Facsimile: (314) 340-7981

Counsel for Plaintiff
STATE OF MISSOURI

**FOR THE STATE OF NORTH
CAROLINA:**

JOSHUA H. STEIN
Attorney General for the State of North
Carolina

/s/ Tracy Nayer

TRACY NAYER
North Carolina State Bar No. 36964
tnayer@ncdoj.gov
Special Deputy Attorney General
North Carolina Department of Justice
Consumer Protection Division
P.O. Box 629
Raleigh, North Carolina 27602
Telephone: (919) 716-6000
Facsimile: (919) 716-6050

Counsel for Plaintiff
STATE OF NORTH CAROLINA

**FOR THE STATE OF NORTH
DAKOTA:**

DREW H. WRIGLEY
Attorney General for the State of North
Dakota

/s/ Christopher G. Lindblad

CHRISTOPHER G. LINDBLAD
North Dakota State Bar No. 06480
clindblad@nd.gov
*(Pro Hac Vice Application Pending /
Forthcoming)*
Assistant Attorney General
Consumer Protection & Antitrust
Division
Office of the Attorney General
1720 Burlington Drive, Suite C
Bismarck, ND 58504-7736
Telephone: (701) 328-5570
Facsimile: (701) 328-5568

Counsel for Plaintiff
STATE OF NORTH DAKOTA

FOR THE STATE OF OHIO:

DAVE YOST
Attorney General for the State of Ohio

/s/ Erin B. Leahy
ERIN B. LEAHY
Ohio Bar No. 69509
W. TRAVIS GARRISON
Ohio Bar No. 76757
Assistant Attorneys General
Ohio Attorney General's Office
Consumer Protection Section
30 E. Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 752-4730 (Leahy)
(614) 728-1172 (Garrison)
Erin.Leahy@OhioAttorneyGeneral.gov
Travis.Garrison@OhioAttorneyGeneral.gov

Counsel for Plaintiff
STATE OF OHIO

FOR THE STATE OF TEXAS:

KEN PAXTON
Attorney General for the State of Texas

/s/ David G. Shatto
DAVID SHATTO
Fed. Bar No: 3725697
Texas Bar No: 24104114
C. BRAD SCHUELKE
Texas Bar No. 24008000
Brad.schuelke@oag.texas.gov
KAYLIE BUETTNER
Fed. Bar No: 3748037
Texas Bar No. 24109082
Kaylie.Buettner@oag.texas.gov
Assistant Attorneys General
Office of the Attorney General
P.O. Box 12548 (MC-010)
Austin, Texas 78711
Telephone: (512) 463-2100
Facsimile: (512) 473-8301

Counsel for Plaintiff
STATE OF TEXAS

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiffs attempted to confer with John C. Spiller, II. On February 9, 2024, Plaintiffs had a call with Defendant Spiller, and during the call, Plaintiffs notified Defendant Spiller that Plaintiffs would be filing for contempt of court. On March 27, 2024 at 11:25 AM Central, Plaintiffs emailed Defendant Spiller to confer regarding the motions. On March 28, 2024 at 7:24 AM Central, Plaintiffs emailed Defendant Spiller to confer regarding the motions. On March 28, 2024 at 8:07 AM Central, undersigned counsel called and left a voicemail with Defendant Spiller regarding the motions. On March 28, 2024 at 8:08 AM Central, Plaintiffs emailed Defendant Spiller to confer regarding the motions. Plaintiffs have not heard from Defendant Spiller since February 9, 2024.

/s/ Joseph Yeoman
Joseph Yeoman

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(a), I hereby certify that a true and correct copy of the above and foregoing document has been served using the CM/ECF system to all counsel and parties of record. I also certify that a true and correct copy of the above and foregoing document has been served via email and U.S. mail to John C. Spiller, II.

/s/ Joseph Yeoman
Joseph Yeoman