UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK W. DOBRONSKI,
an individual,

Plaintiff,

v.

ERTC EXPRESS, LLC,
a Wyoming limited liability company;

JOHN PAUL SOUZA,
an individual;

Defendants.

Case: 2:25-cv-11822
Assigned To : McMillion, Brandy R.
Referral Judge: Grand, David R.
Assign. Date : 6/18/2025
Description: CMP DOBRONSKI V. ERTC EXPRESS ET AL. (JB)

COMPLAINT

NOW COMES the Plaintiff, MARK W. DOBRONSKI, appearing *in propria persona*, and for his complaint against the named Defendants alleges:

1. This matter arises under the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 U.S.C. § 227, *et seq.*, the Michigan Home Solicitation Sales Act ("MHSSA"), M.C.L. § 445.101, *et seq.*, and the Florida Telemarketing Sales Act ("FTSA"), Fla. Stat. § 501.059.

Parties

2. Plaintiff is an individual, of the age of majority, a citizen of the United States

of America, is domiciled in and has a place of business in Orange County, Florida, and has a residence and place of business in Washtenaw County, Michigan.

3. Defendant ERTC EXPRESS, LLC ("ERTC") is a limited liability company organized and existing under the laws of the state of Wyoming, with a principal office being located at 5404 Cypress Center Drive, Suite 375, Tampa, Hillsborough County, Florida 33609-1054.

4. Defendant JOHN PAUL SOUZA ("Souza") is an individual, is of the age of majority, is mentally competent, is not in the military service, and resides at 6630 Southwest 72nd Court, Miami, Miami Dade County, Florida 33143-2907.

5. Defendant Souza holds himself out as being a manager and owner of ERTC, and authorized, directed, and personally participated in the tortious conduct alleged herein.

Jurisdiction

6. This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

7. This Court has special or limited personal jurisdiction over Defendant ERTC, pursuant to M.C.L. § 600.715, as a result of the defendant or its agent: transacting any business within the state; or, doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort.

8. This Court has special or limited personal jurisdiction over Defendant Souza, pursuant to M.C.L. § 600.705, as a result of the individual or his representative:

transacting any business within the state; and/or, doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort.

Venue

9. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2), as the tortious or illegal telephone calls complained of herein were directed to a telephone number with a Michigan area code, and were received by Plaintiff at his residence in this judicial district, to wit: in Washtenaw County, Michigan.

Preliminary Statement

10. As the Supreme Court recently explained, "Americans passionately disagree about many things. But they are largely united in their disdain for robocalls." *Barr v. American Association of Political Consultants LLC*, 140 S. Ct. 2335, 2343 (2020).

11. The Federal Government receives a staggering number of complaints about robocalls – 3.7 million complaints in 2019 alone. *Id.*

12. In response to widespread public outrage over intrusive telemarketing calls to homes and businesses, the United States Congress acted to prevent persons, like Defendant, from invading American citizen's privacy and to prevent abusive "robo-calls" by enacting the TCPA.

13. According to the Federal Communications Commission ("FCC"), "unwanted calls and texts are the number one complaint to the FCC."

14. In regard to such telephone solicitations, Senator Hollings of South Carolina, the primary sponsor of the TCPA, explained, "computerized calls are the

scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone right out of the wall . . . these computerized telephone calls threaten our personal safety . . . These machines are out of control, and their use is growing by 30 percent every year. It is telephone terrorism, and it has got to stop . . ." See *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991,* 17 FCC Rcd. 17459, 17474, fn. 90 (2002), quoting 137 Cong. Rec. 30,821-30,822 (Nov. 7, 1991).

15. According to YouMail, Inc., a company which tracks robocall activity and publishes the YouMail Robocall Index, during calendar year 2023 alone, American consumers were bombarded with over 55.05 *billion* robocalls; an average of over 165 robocalls to each and every man, woman, and child. [Source: www.robocallindex.com].

16. In 2021, nearly 1 in 3 Americans say they have fallen victim to a phone scam in the past year, with reported losses to phone scams exceeding $29.8 Billion. [Source: www.cndb.com/2021/06/29/americans-list-billions-of-dollars-to-phone-scams-over-the-past-year.html].

17. Congress has found that interstate telemarketing fraud has become a problem of such magnitude that the resources of the Government are not sufficient to ensure adequate consumer protection from such fraud.

18. As a result, in enacting the TCPA, Congress intentionally created a legally

enforceable bounty system, not unlike *qui tam* statutes, to incentivize the assistance of aggrieved private citizens to act as "private attorneys general" in enforcing federal law.

Telephone Consumer Protection Act

19. In 1991, Congress enacted the TCPA to restrict the use of sophisticated telemarketing equipment that could target millions of consumers *en masse*. Congress found that these calls were not only a nuisance and invasion of privacy to consumers specifically, but were also a threat to interstate commerce generally. *See* S. Rep. No. 102-178, at 2-3, 1991 U.S.C.C.A.N. 1968, 1969-71, 1991 WL 211220 (1991).

20. The TCPA imposes restrictions on the use of automated telephone equipment. 47 U.S.C. § 227(b)(1).

21. Pursuant to authority delegated by Congress to the FCC under the TCPA at 47 U.S.C. § 227(b)(2), the FCC has adopted regulations to implement the aforesaid restrictions on use of automated telephone equipment. The TCPA implementing regulations are promulgated at 47 C.F.R. 64.1200(a), *et seq.*

22. As part of the restrictions on use of automated telephone equipment, Congress created a private right of action for aggrieved persons to received $500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(b)(3).

23. Additionally, the Congress also sought to protect subscriber privacy rights,

and directed the FCC to initiate a rulemaking proceeding to compare and evaluate alternative methods and procedures, and to develop proposed regulations to implement the methods and procedures that the FCC determines are most efficient to accomplish the need to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. 47 C.F.R. § 227(c)(1). The FCC conducted such a rulemaking and implemented regulations to protect telephone subscribers' privacy rights. See *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 68 FR 44144, 2003 WL 21713245 (2003).

24. As part of the protection of subscriber privacy rights, Congress created a private right of action for aggrieved persons to receive $500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(c)(5).

Michigan Home Solicitation Sales Act

25. The Michigan Legislature has also enacted statutes governing and restricting telephone solicitors from making or causing to be made a telephone solicitation to a residential telephone subscriber. The restrictions include a prohibition on telephone solicitations using in whole or in part a recorded message. M.C.L. § 445.111(a)(1). A telephone solicitor shall not make a telephone solicitation to a residential telephone subscriber whose name and residential telephone number appears on the national do-not-call list. M.C.L. § 445.111(a)(4). Telephone solicitors must properly identify

themselves and their organization. M.C.L. § 445.111b(1) and (2). Telephone solicitors may not block or otherwise interfere with the caller ID function of the telephone. M.C.L. § 445.111b(3). Further, telephone solicitors may not engage in specified unfair or deceptive acts or practices as set forth in the act. M.C.L. § 445.111c.

26. The MHSSA provides that a person who suffers a loss as a result of violation of the MHSSA may bring an action to recover actual damages or $250.00, together with reasonable attorney fees. M.C.L. § 445.111c(3).

Florida Telemarketing Sales Act

27. The Florida Legislature has enacted statutes governing and restricting telephone solicitors in making telephone sales calls. The statute includes, *inter alia*, requirements for identification of telephone solicitors and the transmission of caller identification information, prohibitions on the use of automated systems for the selection or dialing of telephone numbers or the playing of a recorded message when a connection is completed to a number called without the prior express written consent of the called party, prohibitions on calling telephone numbers appearing on the national do-not-call registry or where a person has previously communicated to the telephone solicitor or other person that he or she does not wish to receive an outbound telephone call, text message, or voicemail transmission. Fla. Stat. § 501.059.

28. The FTSA provides that a called party who is aggrieved by a violation of the section may bring an action to, *inter alia*, recover actual damages or $500, whichever is greater. Fla. Stat. § 501.059(10)(a). Further if the court finds that the

defendant's violations were willful or knowing, the court may, in its discretion, treble the amount of the award. Fla. Stat. § 501.059(10)(b).

General Allegations

29. Plaintiff's residential and cellular telephone lines have been besieged with telemarketing calls hawking such things as alarm systems, Google listings, automobile warranties, health insurance, life insurance, credit cards, and even financial miracles from God. Some calls are blatant scams, including calls purportedly from the Social Security Administration, the U.S. Drug Enforcement Administration, and other government agencies, some claiming that arrest warrants have been issued against Plaintiff for alleged drug trafficking and money laundering activities.

30. Plaintiff's telephone number is 734-xxx-x300.

31. Plaintiff's telephone number 734-xxx-x300 is listed on the National Do Not Call Registry maintained by the United States Federal Trade Commission pursuant to 16 C.F.R. Part 310 and has been so listed continuously since at least June 1, 2004, and at all times subsequent thereto and relevant hereto.

32. Plaintiff uses telephone number 734-xxx-x300 primarily for personal, family, and household communications, and not for business purposes.

33. Plaintiff's telephone number 734-xxx-x300 is assigned to a service for which the called party is charged for the call on a per call and per minute basis.

34. Plaintiff's telephone number 734-xxx-x300 is not assigned to a cellular telephone service.

35. By listing his telephone number on the National Do Not Call Registry, Plaintiff has given constructive notice to the World, including the Defendants, that Plaintiff does not wish to receive telephone solicitations or robocalls at his telephone number.

36. Courts are legally bound to give great deference to the FCC's interpretations of the TCPA and its own regulations. See *FCC v. WNCN Listeners Guild*, 450 U.S. 582, 598, 101 S.Ct. 1266, 1276, 67 L.Ed.2d 521 (1981) ("the construction of a statute by those charged with its execution should be followed unless there are compelling indications that it is wrong . . . ").

37. The FCC has issued a declaratory ruling defining "called party" as "the subscriber, i.e., the consumer assigned the telephone number dialed and billed for the call, or the non-subscriber customary user of a telephone number included in a family or business calling plan." *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02–278, WC Docket No. 07–135, FCC 15–72, 2015 WL 4387780, at *26 ¶ 73 (2015).

38. Plaintiff is the customary user of the called telephone line, is the one that was the actual recipient of the telephone calls at issue in this complaint, and suffered the nuisance and invasion of privacy of same. Thus, Plaintiff has standing to bring this action for alleged violations of TCPA's provisions. See *Leyse v. Bank of America Nat. Ass'n*, 804 F.3d 316, 324 (3rd Cir., 2015).

39. The FCC has ruled that telephone subscribers who ask to be put on the

national do-not-call list are presumed to be "residential subscribers." *In re Rules and Regulations Implementing the TCPA*, 18 FCC Rcd. 14014, 14039, 2003 WL 21517853, at *14, ¶ 36 (2003).

40. At no time relevant hereto has Plaintiff or any other authorized person requested, consented, permitted, or authorized the contact from the Defendants.

41. At no time has Plaintiff provided permission to the Defendants to engage in telephone solicitation with the Plaintiff via telephone.

42. At no time has Plaintiff provided "prior express consent" or "prior express written consent" (as those terms are defined under the TCPA and as interpreted by the FCC) for the Defendant or anyone acting on behalf of the Defendant to initiate any telephone call that includes or introduces an advertisement or constitutes telemarketing, using an automatic telephone dialing system or an artificial or prerecorded voice, to Plaintiff's telephone number.

43. At no time has Plaintiff had an "established business relationship" (as that term is defined under the TCPA and as interpreted by the FCC) with the Defendants.

44. The FCC has declared that a necessary element for a person to provide "consent" is that the person must knowingly and voluntarily provide the telephone number at which they are authorizing telemarketing calls to be received at. For example, capturing a caller's telephone number by a Caller ID or ANI device cannot be considered consent to receive telemarketing calls. *In the Matter of Rules and*

Regulations Implementing the TCPA, 7 FCC Rcd. 8752, 8769, 1992 WL 690928, at *11, ¶ 31 (1992).

45. The FCC has further declared that persons who knowingly release their phone numbers have in effect given their invitation or permission to be called at the number which they have given, if the caller is making calls within the scope of the consent given, and absent instructions to the contrary. *In the Matter of Rules and Regulations Implementing the TCPA*, 30 FCC Rcd. 7961, 8028, 2015 WL 4387780, at *47, ¶ 141 (2015).

46. Similarly, for purposes of an "established business relationship," the FCC has declared that a consumer inquiry cannot be considered to create a business relationship where the consumer's number has been captured absent that consumer's express invitation or permission to be contacted at the captured number. *In the Matter of Rules and Regulations Implementing the TCPA*, 7 FCC Rcd. 8752, 8771, 1992 WL 690928, at *13, n. 67 (1992).

47. At no time has Plaintiff released his phone number to any of the Defendants in order to have given invitation or permission to be called at that number.

48. Consent cannot be "presumed." The TCPA and the Commission's rules plainly require express consent, not implied or "presumed" consent. *In re Rules and Regulations Implementing the TCPA*, 30 FCC Rcd. 7961, 7991, 2015 WL 4387780, at *20, ¶ 52 (FCC, 2015).

49. The FCC has declared that "[p]urporting to obtain consent during the call...

does not constitute the *prior* consent necessary to deliver the message in the first place as the request... is part of the telemarketing." *In re Rules and Regulations Implementing the TCPA*, 18 FCC Rcd. 14014, 14019, 2003 WL 21517853, at *49, ¶ 142 (2003) [Emphasis as in original].

50. The TCPA places no affirmative obligation on a called party to opt out of calls to which he or she never consented. *In re Rules and Regulations Implementing the TCPA*, 30 FCC Rcd. 7961, 8004, 2015 WL 4387780, at *29, ¶ 81 (2015).

51. The FCC has clarified that sellers may be held vicariously liable for violations of the TCPA by third-party telemarketers that initiate calls to market the seller's products or services, declaring as follows:

> "[A] company on whose behalf a telephone solicitation is made bears the responsibility for any violation of our telemarketing rules and calls placed by a third party on behalf of that company are treated as if the company itself placed the call."

In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, 20 FCC Rcd. 13664, 13667, 2005 WL 1981564, at *3, ¶ 7 (2005).

52. A seller may be liable for violations by its representatives under a broad range of agency principles, including not only formal agency, but also principles of apparent authority and ratification. *In re Dish Network,* 28 FCC Rcd. 6574, 6584, 2013 WL 1934349, at *9, ¶ 28 (2013).

53. A seller would be responsible under the TCPA for the unauthorized conduct

of a third-party telemarketer that is otherwise authorized to market on the seller's behalf if the seller knew (or reasonably should have known) that the telemarketer was violating the TCPA on the seller's behalf and the seller failed to take effective steps within its power to force the telemarketer to cease that conduct. *In re Dish Network,* 28 FCC Rcd. 6574, 6592, 2013 WL 1934349, at *15, ¶ 46 (2013).

54. Pursuant to 47 U.S.C. § 217, the act, omission, or failure of any officer, agent, or other person acting for or employed by an common carrier or user, acting within the scope of his employment, shall in every case also be deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

55. When considering individual corporate officer liability, other Courts have agreed that a corporate officer involved in the telemarketing at issue may be personally liable under the TCPA. *See, e.g., Jackson Five Star Catering, Inc. v. Beason,* No. 10-10010, 2013 WL 5966340, *4 (E.D. Mich. Nov. 8, 2013) ("[M]any courts have held that corporate actors can be individually liable for violating the TCPA where they had direct, personal participating in or personally authorized the conduct found to have violated the statute.") (internal citation omitted); *Maryland v. Universal Elections*, 787 F. Supp. 2d 408, 415-16 (D.MD. 2011) ("If an individual acting on behalf of a corporation could avoid individual liability, the TCPA would lose much of its force.").

56. It is well settled under Michigan law that corporate employees and officials are personally liable for all tortious and criminal acts in which they participate, regardless of whether they are acting on their own behalf or on behalf of a corporation.

A corporate officer or director is, in general, personally liable for all torts which he authorizes or directs or in which he participates, notwithstanding that he acted as an agent for the corporation and not on his own behalf.

57. For each and every call alleged herein initiated to Plaintiff's telephone line, Plaintiff suffered the injury of invasion of privacy and intrusion on Plaintiff's right of seclusion.

58. For each and every call alleged herein initiated to Plaintiff's telephone line, Plaintiff suffered the injury of the occupation of the telephone line by unwelcome calls, making the phone unavailable for legitimate callers or outgoing calls, including emergency calls, when the telephone line was seized by Defendants' calls.

59. For each and every call alleged herein initiated to Plaintiff's telephone line, Defendants caused an injury in the form of a nuisance and annoyance to the Plaintiff. For calls that were answered, Plaintiff had to go to the unnecessary trouble of answering them. Even for unanswered calls, Plaintiff had to deal with missed call notifications and call logs that reflected the unwanted calls. This also impaired the usefulness of these features on Plaintiff's telephone, which features are designed to inform the user of important missed communications.

60. Each and every call placed without consent by Defendants alleged herein to Plaintiff's telephone lines resulted in the injury of a trespass to Plaintiff's chattel, namely Plaintiff's telephone line and its telephone services.

61. For purposes of the TCPA, the FCC has defined "willfully or knowingly"

to mean that the violator knew that he was doing the act in question, in this case, initiating a telephone solicitation, irrespective of any intent to violate the law. A violator need not know that his action or inaction constitutes a violation; ignorance of the law is not a defense or mitigating circumstance.

The Scheme

62. The Employee Retention Credit (ERC), also known as the Employee Retention Tax Credit, was established by Congress under the CARES Act in March 2020. It provides financial relief to eligible businesses that retained employees during the COVID pandemic, even when their operations were partially or fully suspended due to government orders or significant declines in gross receipts.

63. Defendant ERTC is engaged in providing a service to businesses across the United States to qualify for and obtain the Employee Retention Credit.

64. As part of the scheme, Defendants utilize telemarketing to identify and target prospective businesses and business owners who are eligible to utilize ERTC's service.

65. Defendants, either directly or through a third-party telemarketing platform provider, initiate telephone calls *en masse* using automated telephone dialing systems which have the capacity to store or produce telephone numbers to be called using a random or sequential number generator to dial such numbers, to solicit prospects.

66. These automatic telephone dialing platforms can store lists of telephone numbers (and, often, personal information) of businesses and business owners and use

a random number or sequential number generator which has the capacity to select and initiate calls to persons from the stored lists of telephone numbers with no human involvement and only route the call to a telemarketing agent when a called person has actually answered the call.

67. If a call goes unanswered, the automatic telephone dialing platform places the telephone number of the unanswered call back into the dialer list so that the telephone number may, once again, be selected by the sequential or random number generator at a future time to be called again.

68. Defendants do not scrub their outbound call lists against the National Do Not Call Registry, thus they routinely will call telephone numbers of consumers who do not wish to receive telemarketing calls.

69. Defendants do not obtain prior express consent or prior express written consent before they initiate outbound calls using automated telephone dialing systems to consumers.

70. Defendants deliberately manipulate the caller identification information displayed for each outbound call to disguise their identity and so as to prevent called persons from being able to block Defendants' calls.

71. Parties are acting in concert when they act in accordance with an agreement to cooperate in a particular line of conduct or to accomplish a particular result. The agreement need not be expressed in words or may be implied and understood to exist from the conduct itself. Whenever two or more persons commit tortious acts in concert,

each become subject to liability for the acts of the others, as well as for his own acts. In either case, the defendant's embrace of the actor's purpose or design—whether by agreement or by action—renders the defendant liable for the underlying tort.

72. The liability of coconspirators to civil damages is joint and several. All those who, in pursuance of a common plan to commit a tortious act actively take part in it and further it by cooperation or request, or who lend aid or encouragement to the wrongdoer, or who ratify and adopt the acts done for their benefit, are equally liable with him.

Call 1

73. On January 23, 2024, at approximately 10:19 A.M., Defendants initiated a telephone call to Plaintiff's telephone number 734-xxx-x300.

74. The caller identification number displayed was 786-206-6033, with no caller identification name information.

75. Upon answering the incoming call, Plaintiff heard a click sound, followed by approximately 4 seconds of silence, and then an individual identified himself as "John... with ERTC.com".

76. John proceeded to tell Plaintiff about the Employee Retention Credit and explained the service which ERTC supplied.

77. Plaintiff was able to elicit that John's surname was Souza.

78. Plaintiff asked John to be provided a copy of ERTC's written do-not-call policy, and provided John with an email address to send the information to.

79. Plaintiff informed John that Plaintiff's telephone number was listed on the National Do Not Call Registry, and asked Plaintiff's telephone number not be called again.

80. John abruptly hung up.

81. Immediately after the call terminated, Plaintiff dialed the caller identification number displayed (786-206-6033) to make a do-not-call demand; but the dialed number was not in service.

Call 2

82. On January 23, 2024, at approximately 1:03 P.M., Defendants initiated a telephone call to Plaintiff's telephone number 734-xxx-x300.

83. The caller identification number displayed was 786-206-6033, with no caller identification name information.

84. Upon answering the incoming call, Plaintiff heard a click sound, followed by approximately 4 seconds of silence, and then the call abruptly terminated.

Call 3

85. On January 23, 2024, at approximately 1:04 P.M., Defendants initiated a telephone call to Plaintiff's telephone number 734-xxx-x300.

86. The caller identification number displayed was 786-206-6033, with no caller identification name information.

87. Upon answering the incoming call, Plaintiff heard a click sound, followed by approximately 4 seconds of silence, and then the call abruptly terminated.

COUNT I
TCPA VIOLATION - 47 C.F.R. § 64.1200(a)(1)(iii)

88. Plaintiff incorporates the allegations of paragraph 1 through 87, *supra*.

89. A common characteristic evidencing the use of an automatic telephone dialing system is a "click" or electronic sound being heard immediately after answering a call, followed by a brief period of silence before a live person comes onto the line or a recorded message is played. Each of Calls 1 through 3, *supra*, exhibited these characteristics.

90. Each of Calls 1 through 3, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(1)(iii), as Defendants initiated a telephone call using an automatic telephone dialing system to a telephone number assigned to a service for which the called party is charged for the call without the prior express consent of the called party and there being no emergency.

91. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls and the numerous violations per call.

COUNT II
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(a)(2)

92. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

93. Each of Calls 1 through 3, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(2), as Defendants initiated a telephone call that constitutes telemarketing, using an automatic telephone dialing system, to a telephone

number assigned to a service for which the called party is charged for the call without the prior express written consent of the called party.

94. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls and the numerous violations per call.

COUNT III
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(a)(7)

95. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

96. Calls 1 through 3, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(7), as Defendants initiated a telephone call to Plaintiff's telephone line and a live sales representative was not available and did not speak to Plaintiff within two (2) seconds after the called person's completed greeting.

97. The aforesaid violation of the TCPA was wilful and/or knowing as is evidenced by the repeated number of overall violations.

COUNT IV
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(a)(7)(i)(A)

98. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

99. Each of Calls 1 through 3, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(7)(i)(A), as Defendants initiated a telephone call to Plaintiff's telephone line and a live sales representative was not available and did not speak to Plaintiff within two (2) seconds after the called person's completed greeting and did not provide a prerecorded identification disclosing that the call was for

"telemarketing purposes" and state the name of the business entity, and a telephone number for such business entity that permits the called person to make a do-not-call request during regular business hours.

100. The aforesaid violation of the TCPA was wilful and/or knowing as is evidenced by the repeated number of overall violations.

COUNT V
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(a)(7)(i)(B)

101. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

102. Each of Calls 1 through 3, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(7)(i)(B), as Defendants initiated a telephone call to Plaintiff's telephone line and a live sales representative was not available and did not speak to Plaintiff within two (2) seconds after the called person's completed greeting and did not provide an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make a do-not-call request prior to terminating the call.

103. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls.

COUNT VI
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(c)(2)

104. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

105. Each of Calls 1 through 3, *supra*, were in violation of the TCPA

implementing regulations, specifically 47 C.F.R. § 64.1200(c)(2), as Defendants initiated a telephone solicitation to a residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to received telephone solicitations that is maintained by the Federal Government.

106. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls and overall violations and the fact that Plaintiff had previously made a do-not-call demand to Defendant.

COUNT VII
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(d)(1)

107. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra*.

108. Call 1, *supra*, was in violation of the TCPA implementing regulations, specifically 47 C.F.R. § 64.1200(d)(1), as Defendants did not provide a written copy of its do not call policy when demand was made for same by Plaintiff.

109. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls and overall violations.

COUNT VIII
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1200(d)(3)

110. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra*.

111. Calls 1 through 3, *supra*, were in violation of the TCPA implementing regulations, specifically 47 C.F.R. § 64.1200(d)(3), as Defendants failed to record and

did not honor Plaintiff's request not to receive calls from that person or entity.

112. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls and overall violations.

COUNT IX
VIOLATION OF THE TCPA - 47 C.F.R. § 64.1601(e)

113. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra*.

114. Calls 1 through 3, *supra*, were in violation of the TCafPA implementing regulations, specifically 47 C.F.R. § 64.1200(e), as Defendants failed to transmit proper caller identification information, which must include the telemarketer's name and a telephone number which would permit a called person to make a do-not-call request during regular business hours.

115. The aforesaid violations of the TCPA were wilful and/or knowing as Defendants had to take deliberate action to manipulate their caller identification information.

COUNT X
VIOLATION OF THE MHSSA

116. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra.*

117. Each of Calls 1 through 3, *supra*, were in violation of the MHSSA, specifically: M.C.L. § 445.111a(5), as Defendants made a telephone solicitation to a residential telephone subscriber whose residential telephone number is on the federal do-not-call list; and/or M.C.L. § 445.111b(3), as Defendants intentionally blocked or

interfered with the caller ID function of the telephone so that the correct telephone number of the caller was not displayed.

COUNT XI
VIOLATION OF THE FTSA

118. Plaintiff incorporates the allegations of paragraphs 1 through 87, *supra*.

119. Each of Calls 1 through 3, *supra*, were in violation of the FTSA, specifically: Fla. Stat. § 501.059(2), as Defendants made an unsolicited telephone sales call to a residential telephone number and failed to identify himself by hus true first and last names and the business on whose behalf he is soliciting immediately upon making contact by telephone with the person who is the object of the telephone solicitation; and/or, Fla. Stat. § 501.059(4), as Defendants made or caused to be made an unsolicited telephone sales call to a residential telephone number that appears in the no sales solicitation calls listing; and/or Fla. Stat. § 501.059(5), Defendants initiated an outbound telephone call to a consumer or business who has previously communicated to the telephone solicitor or other person that he does not wish to receive an outbound telephone call made by or on behalf of the seller; and/or, Fla. Stat. § 501.059(8)(a), as Defendants made an unsolicited telephone sales call which call involves an automated system for the selection of telephone numbers to a number called without the prior express written consent of the called party; and/or Fla. Stat. § 501.059(9)(b), as Defendants made a telephonic sales calls or caused a telephone sales call to be made and failed to transmit or cause not to be transmitted the originating

telephone number and the name of the telephone solicitor to the caller identification service in use by the recipient of the telephonic sales call.

120. The aforesaid violations of the FTSA were knowing and/or willful as is evidenced by the repetitive number of violations, and the fact that Plaintiff had expressly made a do not call request to the Defendants.

PRAYER FOR RELIEF

WHEREFORE, the aforesaid premises considered, Plaintiff prays that his Court enter a judgment for Plaintiff and against the Defendants, and each of them jointly and severally, as follows:

A. Damages:

i. Damages for violations of the TCPA alleged:

Count	Violations
I	3
II	3
III	3
IV	3
V	3
VI	3
VII	1
VIII	3
IX	3

A total of 25 violations at $500.00 per violation for damages of $12,500.00, which amount shall be trebled because the violations were willful and/or knowing, for total damages of $37,500.00.

ii. Damages for violations of the MHSSA alleged at Count X: 3

violations at $250.00 per violation, for damages of $750.00;

iii. Damages for violations of the FTSA alleged at Count XI: 3 violations at $500.00 per violation, for damages of $1,500.00, which amount shall be trebled because the violations were willful and/or knowing, for total damages of $4,500.00.

The cumulative total amount of damages claimed in this action (exclusive of additional calls and violations to be ascertained during discovery) is $42,750.00,and in the event of default judgment is the sum certain damages amount that will be sought.

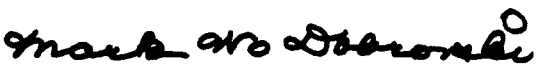
B. An award of Plaintiff's taxable costs and disbursements incurred in the filing and prosecution of this action;

C. An injunction enjoining Defendants and/or Defendants' agents from initiating any telephone calls to Plaintiff's telephone numbers.

D. Interest accruing from the date of filing until paid at the statutory rate; and,

E. Such other and further relief as this Court deems necessary, reasonable, prudent and proper under the circumstances.

Respectfully submitted,



Dated: June 16, 2025

Mark W. Dobronski
Post Office Box 99
Dexter, Michigan 48130-0099
Telephone: (734) 641-2300
Email: markdobronski@yahoo.com
Plaintiff *In Propria Persona*

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

County in which action arose: Washtenaw, MI

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

MARK W. DOBRONSKI

(b) County of Residence of First Listed Plaintiff Orange, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
PRO SE

DEFENDANTS

ERTC EXPRESS, LLC and
JOHN PAUL SOUZA

County of Residence of First Listed Defendant Hillsborough, FL
(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)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

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

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ■ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

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)***:
47 U.S.C. 227

Brief description of cause:
Automated telephone solicitations

VII. REQUESTED IN COMPLAINT:

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

DEMAND $ 42,750.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
June 16, 2025

SIGNATURE OF ATTORNEY OF RECORD
Mark W Dobronski

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

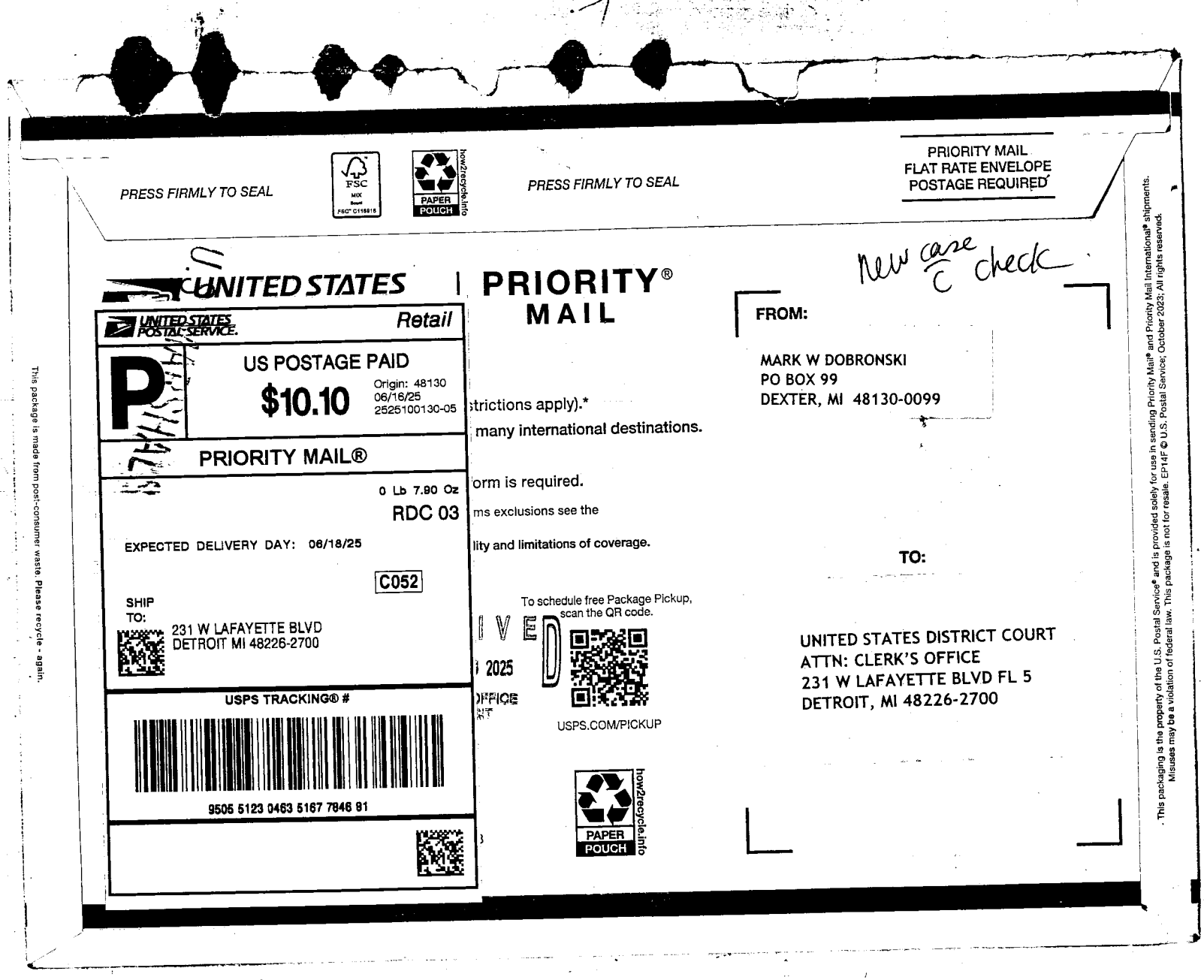
If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :



PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED

UNITED STATES POSTAL SERVICE.

Retail

US POSTAGE PAID
$10.10
Origin: 48130
06/16/25
2525100130-05

PRIORITY MAIL®

0 Lb 7.90 Oz
RDC 03

EXPECTED DELIVERY DAY: 06/18/25

C052

SHIP TO:
231 W LAFAYETTE BLVD
DETROIT MI 48226-2700

USPS TRACKING® #

9505 5123 0463 5167 7846 81

UNITED STATES POSTAL SERVICE®

PRIORITY® MAIL

strictions apply).*

many international destinations.

orm is required.

ms exclusions see the

lity and limitations of coverage.

To schedule free Package Pickup, scan the QR code.

USPS.COM/PICKUP

PAPER POUCH
how2recycle.info

New case check

FROM:

MARK W DOBRONSKI
PO BOX 99
DEXTER, MI 48130-0099

TO:

UNITED STATES DISTRICT COURT
ATTN: CLERK'S OFFICE
231 W LAFAYETTE BLVD FL 5
DETROIT, MI 48226-2700

This packaging is made from post-consumer waste. Please recycle - again.

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® and Priority Mail International® shipments. Misuses may be a violation of federal law. This packaging is not for resale. EP14F © U.S. Postal Service; October 2023; All rights reserved.