

Exhibit 1

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COOPER MOORE and ANDREW GILLETTE,
on their own behalf and on behalf of others
similarly situated,

Plaintiffs,

v.

ROBINHOOD FINANCIAL LLC,

Defendant.

No. 2:21-cv-01571-BJR

ROBINHOOD FINANCIAL LLC'S
NOTICE OF INTENT TO ISSUE
SUBPOENA TO SEASON 4, LLC

TO: ALL PARTIES AND ALL COUNSEL OF RECORD

Please take notice that, pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure, Defendant Robinhood Financial LLC intends to serve a subpoena, in the form attached hereto, on Season 4, LLC.

DATED this 2nd day of March, 2023.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Robinhood Financial LLC

By: s/ Theo A. Lesczynski
Theo A. Lesczynski, WSBA #59780
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610
Telephone: (206) 622-3150
Fax: (206) 757-7066
Email: theoleszczynski@dwt.com

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the document to which this Certificate of Service is attached to be served in the manner as indicated below:

TERRELL MARSHALL LAW
GROUP PLLC
Beth E. Terrell, WSBA #26759
Jennifer Rust Murray, WSBA #36983
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
(206) 816-6603 | Phone
(206) 319-5450 | Fax
Email: bterrell@terrellmarshall.com
jmurray@terrellmarshall.com

- ☐ Messenger
☐ U.S. Mail, postage prepaid
☐ Facsimile
☒ Email
☐ ECF

BERGER MONTAGUE PC – MN
E. Michelle Drake (*pro hac vice*)
1229 Tyler Street NE Suite 205
Minneapolis, Minnesota 55413
(612) 594-5933 | Phone
(612) 584-4470 | Fax
Email: emdrape@bm.net

- ☐ Messenger
☐ U.S. Mail, postage prepaid
☐ Facsimile
☒ Email
☐ ECF

BERGER MONTAGUE PC – CA
Sophia Rios (*pro hac vice*)
401 B Street Suite 2000
San Diego, California 92130
(619) 489-0300 | Phone
Email: srios@bm.net

- ☐ Messenger
☐ U.S. Mail, postage prepaid
☐ Facsimile
☒ Email
☐ ECF

Declared under penalty of perjury under the laws of the State of Washington.

DATED this 2nd day of March, 2023.



Anita A. Miller, Legal Assistant



Suite 3300
920 Fifth Avenue
Seattle, WA 98104-1610

Lauren Rainwater
206.757.8119 tel
206.757.7358 fax
laurenrainwater@dwt.com

March 2, 2023

Season 4, LLC
c/o Matthew Clemente
16 Mt. Bethel Rd
Suite 301
Warren, NJ 07059

Re: *Cooper Moore and Andrew Gillette v. Robinhood Financial LLC*
Case No. 2:21-cv-01571-BJR (W.D. Wash.)

To Whom It May Concern:

We represent Defendant Robinhood Financial LLC in the above-referenced case. Enclosed is a subpoena requesting the production of documents, including an Attachment A describing the particular records requested. Please fulfill this subpoena with an electronic production to the undersigned at the email address listed above. We have also enclosed a Declaration of Records Custodian to be completed, executed, and returned with the documents no later than March 21, 2023.

Please contact us if you have any questions, and we thank you in advance for your cooperation.

Sincerely,
Davis Wright Tremaine LLP

A handwritten signature in blue ink that reads "Lauren Rainwater".

Lauren Rainwater

Enc.

UNITED STATES DISTRICT COURT

for the

Western District of Washington



COOPER MOORE and ANDREW GILLETTE,

Plaintiff

v.

ROBINHOOD FINANCIAL LLC,

Defendant)
)
)
)
)
)

Civil Action No. 2:21-cv-01571-BJR

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

Season 4, LLC

To:

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: Davis Wright Tremaine LLP, 1251 Avenue of the Americas, 21st Floor, New York, NY 10020-1104	Date and Time: 03/21/2023 9:00 am
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☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/02/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

s/ Lauren B. Rainwater

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Robinhood Financial LLC, who issues or requests this subpoena, are: Lauren Rainwater, 920 5th Avenue, Suite 3300, Seattle, WA 98104, laurenrainwater@dwt.com, (206) 757-8119

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:21-cv-01571-BJR

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____ .

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.:

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

**TO FED. R. CIV. P. 45(a) DOCUMENT SUBPOENA
TO SEASON 4, LLC IN
COOPER MOORE, et al. v. ROBINHOOD FINANCIAL LLC, NO. 2:21-CV-01571-BJR
(W.D. Wash.)**

Pursuant to Fed. Rule Civ. P. 45(a), Season 4, LLC (“S4”) is commanded to produce the following designated documents on or before March 21, 2023, to Davis Wright Tremaine LLP at 1251 Avenue of the Americas, 21st Floor, New York, NY 10020-1104; or electronically by email to laurenrainwater@dwt.com and theoleszczynski@dwt.com or other agreed means such as FTP, Dropbox, or the like.

DEFINITIONS

1. “You” and “your” shall mean Season 4, LLC, including its affiliates, and any and all of their respective present or former principals, agents, employees, contractors, vendors, counsel, representatives, or anyone acting on their behalf.

2. The term “document,” as used herein, means all written or graphic matter, however produced, or reproduced, of every kind and description. This includes the complete original (or complete copy if the original is not available) and each non-identical copy regardless of origin or location. The term “document” is intended to have the same meaning as in Fed. R. Civ. P. 34, including, without limitation, all: documents, communications, writings, correspondence, electronic mail (e-mail) messages, Internet messages, text messages, web pages, voicemails, information on handheld digital assistants, facsimiles, books, pamphlets, periodicals, reports, blueprints, sketches, laser discs, magnetic discs, magnetic strips, microfiche, invoices, statements, minutes, purchase orders, contracts, vouchers, checks, charge slips, expense account reports, hotel charges, receipts, working papers, memoranda, messages, notes, envelopes, business records, financial statements, agreements, leases, drawings, graphs, charts, drafts, maps, surveys, plats, statistical records, cost sheets, calendars, appointment books, diaries, time sheets or logs, telephone records or logs, facsimile logs, photographs, voicemails, sound tapes or recordings, films, tapes, computer printouts and any other data of any type whatsoever, including without limitation, data stored electronically (or on any electronic or computer media) or by other technical means for use with computers or otherwise from which information can be obtained or translated through detection devices into reasonable usable form, or any other tangible thing that constitutes or contains matters contained within the scope of Fed. R. Civ. P. 26(b).

3. The term “relating,” and any variants thereof, are used in their broadest possible sense and include, without limitation, concerning, referring to, relating to, alluding to, responding to, pertaining to, relevant to, concerned with, commenting upon, in respect of, about, regarding, discussing, mentioning, showing, describing, reflecting, referencing, analyzing, touching upon, constituting, defining, containing, embodying, identifying, stating, supporting, dealing with, and being.

4. The terms “and” and “or” as used herein are both conjunctive and disjunctive in order to make the topics inclusive rather than exclusive.

5. The use of the singular form of any word includes the plural or vice versa, making the topics inclusive rather than exclusive.

6. “All” is to be interpreted inclusively to mean “any” and “all.”

7. All words, names, or terms not specifically defined herein shall have their ordinary, usual, and customary definitions and meanings, applied as expansively and as broadly as possible.

DOCUMENT REQUESTS

1. All communications between You and anyone at Berger Montague PC, the Terrell Marshall Law Group, Cameron Sutherland PLLC, and/or Kirk D. Miller, P.S. in connection with the lawsuit *Gordon v. Robinhood Financial LLC*, 2:19-cv-0390 TOR (E.D. Wash.); *Gordon v. Robinhood Financial LLC*, (Spokane Cnty. Super. Ct. No. 19-2-04574-32); or *Moore v. Robinhood Financial LLC*, No. 2:21-CV-01571-BJR (W.D. Wash.), including but not limited to invoices, correspondence, contracts, and/or agreements.

2. All documents referring or relating to the Classaction.org advertisement attached as Exhibit 1 or any other Classaction.org advertisement referring or relating to text messages sent by or on behalf of Robinhood, including but not limited to:

a. All communications between You and anyone who responded to advertisements (such as the attached Exhibit 1) referring or relating to text messages sent by or on behalf of Robinhood, including but not limited to the contents of any web form submissions.

b. All documents related to the advertisements (such as the attached Exhibit 1), including but not limited to invoices, correspondence, e-mails, and business records.

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COOPER MOORE and ANDREW GILLETTE,
on their own behalf and on behalf of others
similarly situated,

Plaintiffs,

v.

ROBINHOOD FINANCIAL LLC,

Defendant.

No. 2:21-cv-01571-BJR

DECLARATION OF SEASON 4, LLC
RECORDS CUSTODIAN
REGARDING SUBPOENA

I, _____, am designated to address the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to Season 4, LLC (“Subpoena”), and declare as follows:

1. A thorough review of all files was made to produce all documents requested in that Subpoena.

2. After conducting a complete review of our files, the documents produced represent a complete set of the documents requested. No documents, within the scope of the subpoena, have been destroyed or withheld.

3. The records being produced were made and have been kept in the course of the regularly conducted activity of Season 4, LLC.

4. The records being produced herewith were made at or near the time reflected in them by – or from information transmitted by – someone with knowledge of the records’ content.

1 I hereby declare under penalty of perjury under the laws of the United States that the
2 foregoing is true to the best of my information and belief.

3
4 EXECUTED at _____, _____, this ____ day
5 [City] [State]
6 of _____, 2023.

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9 _____
10 Signature

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12 _____
13 Printed Name
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ClassAction.org

SPEAK OUT

Robinhood Privacy Lawsuit: Spam Text Messages

Washington consumers were reportedly sent unsolicited Robinhood promotional texts. Now, legal action could help recipients recover compensation.
Learn more about your options.

KEEP READING FOR MORE INFORMATION



WHAT'S GOING ON?

A lawsuit claims that Robinhood sent illegal text messages promoting their app to consumers, in violation of Washington's Consumer Protection Act. Legal action could help recipients recover \$500 or more in damages.

According to the case, Robinhood sent app invites to consumers through their friend's and family's phone numbers without the recipients' prior consent. The messages also reportedly failed to provide an opt-out option.

If you received a spam text from a contact inviting you to download Robinhood's app, learn more about how legal action can help.



Take Action

A successful class action lawsuit could help consumers recover between \$500 and \$1,500 under Washington's

ClassAction.org



Get In Touch

First Name *

Last Name *

Email *

Phone Number *

Zip Code *

Case Details *

privacy laws.

To learn more about how to get involved and what you may be owed, simply fill out the form on this page.

After you get in touch, a legal team will review your information, and may reach out to you directly for more details and to answer your questions.

Remember, it doesn't cost anything to contact us or speak to the lawyers we work with, and you don't have to take further legal steps if you aren't interested.

The information submitted on this page will be forwarded to Berger Montague who has sponsored this investigation.

By submitting this form, I agree to the [Terms](#), [Disclaimer](#) and [Privacy Notice](#)

SUBMIT

FEATURED IN

Forbes

THE
HUFFINGTON
POST



YAHOO!
NEWS

billboard

Who is ClassAction.org?

ClassAction.org is a group of online professionals who are committed to exposing corporate wrongdoing and giving consumers the tools they need to fight back. We've been reporting on the legal space for nearly a decade and have built relationships with class action and mass tort attorneys across the country.



Let's Take Action

TOGETHER WE CAN FIGHT BACK

