

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

Case No. 8:24-cv-1626-KKM-AAS

START CONNECTING LLC, d/b/a USA
Student Debt Relief, a Florida limited
liability company;

START CONNECTING SAS, d/b/a USA
Student Debt Relief, a Colombia
corporation;

DOUGLAS R. GOODMAN, individually
and as an officer of START
CONNECTING LLC;

DORIS E. GALLON-GOODMAN,
individually and as an officer of START
CONNECTING LLC; and

JUAN S. ROJAS, individually and as an
officer of START CONNECTING LLC
and START CONNECTING SAS,

Defendants.

**DEFENDANT START CONNECTING LLC'S MOTION FOR MORE
DEFINITE STATEMENT**

Defendant Start Connecting LLC, by undersigned counsel, moves this Court pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for an Order: (1) striking the Complaint for Permanent Injunction, Monetary Judgment, and Other Relief (the "Complaint") filed by the Federal Trade Commission (the "FTC") in the instant matter

on the grounds that the Complaint (Doc. 1) is a shotgun pleading; and (2) granting the FTC leave to file an Amended Complaint that complies with applicable pleading requirements under the Federal Rules of Civil Procedure.

I. BACKGROUND

On July 9, 2024, the FTC filed the Complaint and initiated this action against: (1) Start Connecting LLC, (2) Start Connecting SAS (collectively with Start Connecting LLC, the “Corporate Defendants”), (3) Juan S. Rojas, (4) Douglas R. Goodman, and (5) Doris E. Gallon-Goodman (collectively with Douglas R. Goodman, the “Goodmans”). Start Connecting LLC’s deadline to respond to the Complaint is September 30, 2024 (Doc. 49).

Start Connecting LLC has endeavored to answer the Complaint but, for the reasons outlined, *infra*, is unable to do so because the allegations in the Complaint lack individual specificity to such a degree—and paint the Defendants together with such a broad brush—that Start Connecting LLC cannot differentiate which actions it is alleged to have committed individually and which actions are alleged to have been committed by others.

At its core, the Complaint alleges that all five defendants operated an international scheme which allegedly employed deceptive and misleading tactics to harm student debt holders across the United States and its territories. *See generally* Doc. 1. In furtherance of that scheme, the Complaint alleges that the Corporate Defendants operated a common enterprise. *Id.* at ¶ 14. Specifically, the Complaint provides that:

Defendants [Start Connecting LLC] and Start Connecting SAS (collectively, "Corporate Defendants") have operated as a common enterprise while engaging in the unfair and deceptive acts and practices and other violations of law alleged below. Corporate Defendants have conducted the business practices described below through interrelated companies that have common ownership, officers, and business functions, and that have commingled funds. Because these Corporate Defendants have operated as a common enterprise, each of them is liable for the acts and practices alleged below.

Id.

While the Complaint alleges that the Corporate Defendants were part of the “common enterprise,” the Complaint fails to articulate how, or why, that is the case, thereby resulting in Start Connecting LLC lacking adequate notice of the claims against it and the grounds upon which the claims rest. As a result, it qualifies as a shotgun pleading. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015) (articulating such lack of notice as a unifying characteristic of shotgun pleadings). Indeed, aside from the generic, formulaic recitation of an alleged “common enterprise,” the Complaint entirely fails to describe what each of the Corporate Defendants are alleged to have done or how the companies were interrelated. *Id.* at ¶14. The Complaint attempts to connect the Corporate Defendants to one another only by alleging that the Goodmans and Juan Rojas had authority to control both entities. *Id.* at ¶¶11–14. Thus, the Complaint alleges that the Corporate Defendants were part of a common enterprise but fails to include facts sufficient to identify what if any actions each of the Corporate Defendants took in furtherance of that alleged enterprise. *Id.* at ¶¶9–10. Start Connecting cannot be expected to receive adequate notice of the claims against it from this form of pleading, regardless of any generic “common enterprise” label.

A complaint is also a shotgun pleading where it “employs a multitude of claims and incorporates by reference all of its factual allegations into each claim, making it nearly impossible for Defendants and the Court to determine with any certainty which factual allegations give rise to which claims for relief.” *Jackson v. Bank of Am., N.A.*, 898 F.3d 1348, 1356 (11th Cir. 2018). Here, in addition to the deficiencies identified above, determining which factual allegations give rise to which claims for relief is impossible because the Complaint fails to distinguish which factual allegations are incorporated into each claim, forcing Start Connecting LLC to speculate which allegations over the course of the Complaint’s forty-two (42) pages the FTC offers to support each of the nine (9) claims. *See Consumer Fin. Prot. Bureau v. Ocwen Fin. Corp.*, 9:17-CV-80495, 2019 WL 13203852, at *8 (S.D. Fla. Sept. 30, 2019) (giving leave to amend the complaint to segregate the factual allegations that relate to each count).

The shotgun-pleading deficiencies do not end there. The Complaint also lumps all Defendants together without identifying the specific acts or omissions of each Defendant in support of each of the nine (9) claims. *See Coney v. Fowler*, 8:22-CV-122-CEH-AEP, 2022 WL 1651394, at *2 (M.D. Fla. May 4, 2022), *report and recommendation adopted*, 8:22-CV-122-CEH-AEP, 2022 WL 1642156 (M.D. Fla. May 24, 2022) (granting motion for more definite statement where plaintiff lumped all Defendants together without identifying specific acts each Defendant took). Over the course of the Complaint’s forty-two (42) pages and more than one hundred (100) paragraphs, the FTC paints all Defendants broadly together, as if operating with one collective mind, and

fails to specify any actions or omissions that were specifically committed by the individual defendants in furtherance of the alleged scheme.

Indeed, almost all of the Complaint's allegations lump all five (5) defendants together, referring throughout to the "Defendants." Moreover, the Complaint lodges every one of its nine (9) causes of action against the "Defendants." *Id.* at ¶¶63–102. As a result of this unspecific pleading, Start Connecting LLC has not received adequate notice of the allegations against it individually and cannot respond to the Complaint with any level of specificity.

Many of the allegations in the Complaint highlight why this lack of notice and improper amalgamation make it impossible for Start Connecting LLC to respond and, moreover, why this form of pleading is improper. For example, the Complaint alleges that "an August 19, 2022 post on Defendants' Instagram and Facebook featured a testimonial by Ana Rojas," which the FTC alleged is fake. *Id.* at ¶¶47, 49 (emphasis added) (internal quotation marks omitted). However, the accompanying screenshot shows that the testimonial in question came from a "usastudentdebtreief" Instagram account, not an account held in the name of any individual defendant. *Id.* Moreover, the Complaint does not allege that Start Connecting LLC controls the Instagram or Facebook account. Nevertheless, this allegation serves as a basis for Count II against all "Defendants," which alleges, in relevant part, that "the reviews of testimonials about Defendants' business are not truthful accounts by Defendants' actual customers, but instead are fabricated by Defendants or others on Defendants' behalf." *Id.* at ¶67.

Other allegations highlight the inconsistency and inherent impropriety of lumping all Defendants together across the Complaint. For example, paragraph 23 alleges that “Defendants reach consumers through an aggressive telemarketing campaign run from their call center in Colombia,” yet the Complaint also alleges that Start Connecting LLC has its principal place of business in Florida. *Id.* at ¶9 (emphasis added). This inconsistency is significant because the alleged calls from the call center in Colombia form the basis of many of the FTC’s claims against Start Connecting LLC, individually, even though the Complaint explicitly alleges that the telemarketing operations in question were “operated by . . . Defendant Juan Rojas, under the auspices of . . . Start Connecting SAS,” a company over which the Complaint does not allege that either of the Goodmans, or Start Connecting LLC, had any ownership interest. *E.g., id.* at ¶¶11-12, 90–93.

As another example, paragraph 5 of the Complaint alleges that “Defendants settled state enforcement actions in California and Minnesota related to their unlawful debt relief operation,” yet the FTC later alleges that only Mr. Goodman and Start Connecting LLC “settled claims brought by the California Department of Financial Protection and Innovation” and “settled a similar set of claims by the Minnesota Attorney General’s Office.” *Id.* at ¶¶ 5, 57.

These inconsistent unspecific allegations highlight the impropriety of the Complaint’s collective reference to “Defendants,” and further serve to illustrate how Start Connecting LLC is unable to understand from the face of the Complaint which of the allegations refer, or intend to refer, to Start Connecting LLC’s acts or omissions.

Because of its pervasive collective references, the Complaint is vague and ambiguous to such a degree that it constitutes a quintessential shotgun pleading. Consequently, Start Connecting LLC cannot prepare a specific response to it, nor should it have to, as Eleventh Circuit caselaw prohibits the kind of shotgun pleading employed here.

As a result, Start Connecting LLC respectfully moves the Court for an Order: (1) striking the Complaint as a “shotgun pleading;” and (2) granting the FTC leave to file an Amended Complaint that complies with applicable pleading requirements under the Federal Rules of Civil Procedure. Start Connecting LLC does not object to the existing Preliminary Injunction remaining in place pending the filing of an Amended Complaint.

II. LEGAL STANDARD

In relevant part, the Federal Rules of Civil Procedure provide that a

party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading and must point out the defects complained of and the details desired. If the court orders a more definite statement and the order is not obeyed within 14 days after notice of the order or within the time the court sets, the court may strike the pleading or issue any other appropriate order.

Fed. R. Civ. P. 12(e).

A motion for more definite statement tolls the time for a defendant to answer a complaint. *Waldo v. Energizer Personal Care, LLC*, No. CV410-304, 2011 WL 13305453, at *1 n.2 (S.D. Ga. Oct. 6, 2011). Unless the Court sets a different time, if the Court denies a motion for more definite statement, “the responsive pleading must be served

within 14 days after notice of the court's action"; however, "if the Court grants a motion for more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served." Fed. R. Civ. P. 12(a)(4).

When faced with a shotgun pleading, however, the Defendant should move the Court under Rule 12(e) for an Order requiring the plaintiff to file a more definite statement. *Anderson v. Dist. Bd. of Trs. of Cent. Fla. Cmty. Coll.*, 77 F.3d 364, 366 (11th Cir. 1996).

Complaints that violate Rule 8(a)(2) or Rule 10(b) of the Federal Rules of Civil Procedure constitute "shotgun pleadings." *Weiland*, 792 F.3d at 1320. Time and time again, the Eleventh Circuit has condemned shotgun pleadings. *See Jackson v. Bank of Am, N.A.*, 898 F.3d 1348, 1356 (11th Cir. 2018) ("This Court has filled many pages of the Federal Reporter condemning shotgun pleadings and explaining their vices."). "Courts in the Eleventh Circuit have little tolerance for shotgun pleadings." *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018). This is not surprising; "[t]he unifying characteristic of all types of shotgun pleadings is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests." *Weiland*, 792 F.3d at 1323. Shotgun pleadings "exact an intolerable toll on the trial court's docket, lead to unnecessary and unchanneled discovery, and impose unwarranted expense on the litigants, the court and the court's parajudicial personnel and resources." *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997).

The Eleventh Circuit has identified four general types of shotgun pleadings. *Weiland*, 792 F.3d at 1321. Relevant here, a complaint that “assert[s] multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against,” qualifies as a shotgun pleading. *Id.* at 1323.

This Court frequently strikes complaints as shotgun pleadings and directs plaintiffs to replead. *See, e.g., Cardinal v. Haines City, Fla.*, No. 8:19-cv-3137-KKM-TGW, 2021 WL 3418814, at *2 (M.D. Fla. Aug. 5, 2021) (Mizelle, J.) (striking the complaint as a shotgun pleading and granting leave to the plaintiff to file an amended complaint); *Shed v. Univ. of S. Fla. Bd. of Trs.*, No. 8:22-cv-1327-KKM-TGW, 2022 WL 2872296, at *2 (M.D. Fla. July 21, 2022) (Mizelle, J.) (same); *Day v. Chronister*, 8:21-cv-2933-KKM-JSS, 2021 WL 5989755, at *2 (Mizelle, J.) (same).

III. ARGUMENT

Here, the Complaint unquestionably qualifies as a shotgun pleading. It is replete with collective references to “Defendants,” and fails to specify which defendant is responsible for which acts or omissions set forth in the Complaint. As a result, the Court should strike it under Rule 12(e) of the Federal Rules of Civil Procedure and grant the FTC leave to file an amended complaint that clearly articulates the actions and omissions of each defendant.

To that end, as outlined *supra*, the Complaint fails to delineate specific acts conducted by any individual defendant, and then brings nine claims against the “Defendants.” Doc. 1 at ¶¶63–102. The Complaint fails to separate those nine claims

against any of the five defendants, and a review of the supporting allegations shows that the allegations in support of those claims fail to specify which of the defendants are responsible for which acts and omissions at issue. *Id.* at ¶¶ 2–5, 21–49, 51–56, 63–65, 66–68, 69–71, 73–74, 84–93, 99–102, 103. As illustrated, *supra*, this failure to specify which counts relate to which Defendants creates inconsistencies in pleading and fails to put the Defendants (or, later, a jury) on notice as to which actions they are alleged to have committed on an individual basis. Prior to filing this motion, and in accordance with the Local Rules for the Middle District of Florida, undersigned counsel conferred with counsel for the FTC, who advised that the FTC opposes the relief requested herein.

For the reasons set forth above, however, Start Connecting LLC opposes this position. To that end, the Complaint fails to sufficiently lay out which defendants are responsible for which alleged practices, in violation of binding Eleventh Circuit precedent. Moreover, the assertion that all of the defendants operated as a common enterprise strays from the allegations in the Complaint, which alleges that only Start Connecting LLC and Start Connecting SAS “operated as a common enterprise” without articulating how, or why, that is the case, thereby preventing Start Connecting LLC from receiving adequate notice of the claims against it and the grounds upon which the claims rest. *Id.* at ¶14.

Further, the contention that all Defendants operated as a common enterprise on its own does not offer license to assert multiple claims against all five Defendants without specifying which of the Defendants bear responsibility for which acts or omissions. The law entitles Start Connecting LLC to “adequate notice of the claims

against them and the grounds upon which each claim rests.” *Weiland*, 792 F.3d at 1323. The Complaint fails to provide Start Connecting LLC with such notice.

Because the Complaint is a quintessential shotgun pleading, the Court should strike it under Rule 12(e) of the Federal Rules of Civil Procedure and grant the FTC leave to file an amended complaint that “avoid[s] shotgun pleading pitfalls and compl[ies] with applicable pleading requirements” by specifying the actions and omissions of each defendant and the grounds upon which each claim rests. *Du v. McDonough*, No. 8:22-cv-1526-CEH-TGW, 2022 WL 2818470, at *2 (M.D. Fla. July 19, 2022).

WHEREFORE, Defendant Start Connecting LLC respectfully moves this Court pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for an Order: (1) striking the Complaint in the instant matter on the grounds that it is a “shotgun pleading;” and (2) granting the FTC leave to file an Amended Complaint that complies with applicable pleading requirements under the Federal Rules of Civil Procedure.

Date: September 30, 2024

Respectfully submitted,

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Attorneys for Defendants Start Connecting LLC

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), the undersigned counsel certifies that communication regarding this Motion was made with opposing counsel via telephone, who advised that the FTC opposes the relief requested herein.

/s/ Matthieu Goddeyne

Matthieu Goddeyne

CERTIFICATE OF SERVICE

I certify that on September 30, 2024, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Matthieu Goddeyne

Matthieu Goddeyne