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6 *Attorneys for Defendant Rocket Mortgage, LLC*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF ARIZONA**

9 DARREN MACDONALD, individually  
and on behalf of all others similarly  
10 situated,

Case No.: 2:23-cv-02558-DJH

11 Plaintiff,

12 v.

**ROCKET MORTGAGE, LLC’S  
MOTION TO COMPEL  
ARBITRATION AND MOTION TO  
DISMISS**

13 ROCKET MORTGAGE, LLC, a  
Michigan company,

14 Defendant.  
15

16  
17 **DECLARATION OF AMY COURTNEY**

18 I, Amy Courtney, hereby declare and state as follows:

19 1. I am a Principal Data Analyst at Rock Central, LLC, an affiliate of Rocket  
20 Mortgage, LLC (“Rocket Mortgage”). Rocket Mortgage is formerly known as Quicken  
21 Loans, LLC.

22 2. I have been employed by Rock Central as a Principal Data Analyst since  
23 May 18, 2020. In this role and my prior positions at Rocket Mortgage—where I have  
24 worked continuously since January 7, 2002—I have had various duties and  
25 responsibilities relating to reviewing, analyzing, collecting and identifying call and text  
26 records, client data, website pages and other data and information maintained in the  
27 ordinary course of business in Rocket Mortgage’s systems of record.  
28

1           3.       As a result of my duties and responsibilities at Rock Central and my prior  
2 positions at Rocket Mortgage, I have personal knowledge about Rocket Mortgage’s  
3 records (electronic and hard copy) concerning communications and interactions between  
4 Rocket Mortgage and its clients and potential clients that are maintained in the ordinary  
5 course of business. As part of my duties at Rock Central, I am regularly called upon to  
6 identify, collect, and review such available records. In addition, I also have personal  
7 knowledge about Rocket Mortgage’s business records concerning the current and historic  
8 form and content of its websites, including QuickenLoans.com.

9           4.       I testify to the matters herein based upon my personal knowledge and  
10 experience, my review of Rocket Mortgage’s non-privileged records available to me in  
11 the regular course of my duties, and my review of the Complaint in this action. The  
12 information provided herein is true and correct to the best of my current knowledge.

13           5.       According to Rocket Mortgage’s business records, Plaintiff Darren  
14 MacDonald (“Plaintiff” or “MacDonald”) visited QuickenLoans.com on or about June 8,  
15 2022. At that time, Rocket Mortgage clients and potential clients interested in receiving  
16 information about the Company’s mortgage products could request such information (and  
17 consent to calls or texts from Rocket Mortgage) by visiting QuickenLoans.com and  
18 submitting certain information. In addition, at that time, the QuickenLoans.com website  
19 explicitly disclosed that “Quicken Loans is a registered service mark of Rocket Mortgage,  
20 LLC.”

21           6.       When a client or potential client like Mr. MacDonald visits  
22 QuickenLoans.com, he may voluntarily enter various pieces of personal information,  
23 including first and last name, property address, phone number, email address, mailing  
24 address, the name of the state where the property is located, the loan purpose (purchase or  
25 refinance), and an estimated loan amount.

26           7.       According to Rocket Mortgage’s business records, Mr. MacDonald  
27 voluntarily navigated to QuickenLoans.com on June 8, 2022, and made such a voluntary  
28 submission as part of an online request for mortgage information from Rocket Mortgage.

1 Specifically, the Company's business records show that Mr. MacDonald entered the  
2 following information as part of his submission:

- 3 a) Name: Darren MacDonald  
4 b) Phone Number: 480-540-XXXX  
5 c) Email Address: beginning with Darren@XXX.net  
6 d) Mailing Address: beginning with 8448 E Roanoke Ave  
7 e) Property State: Arizona  
8 f) Loan Purpose: Refinance

9 8. Attached as **Exhibit 1** is a true and accurate screenshot of the telephone  
10 number submission page as it would have appeared to Mr. MacDonald during his June 8,  
2022 visit to QuickenLoans.com.

11 9. The submission page contained a submission button labeled "Click to See  
12 Your Results!" Rocket Mortgage's business records confirm that Mr. MacDonald clicked  
13 that "Click to See Your Results!" submission button to make his submission at  
14 QuickenLoans.com on June 8, 2022.

15 10. As reflected in Exhibit 1, the final screen of the website flow Mr.  
16 MacDonald completed contained a disclosure labeled, in bold text, as "Communication  
17 Consent." Within that disclosure, the term "Terms of Use" appeared in blue font to  
18 demonstrate that it was an active hyperlink. At the time of Mr. MacDonald's visit to  
19 QuickenLoans.com on June 8, 2022, clients and potential clients could click the active  
20 Terms of Use hyperlink to review Rocket Mortgage's complete Terms of Use.

21 11. Attached as **Exhibit 2** is a true and correct copy of Rocket Mortgage's  
22 Terms of Use as they would have appeared to Mr. MacDonald and other clients and  
23 potential clients who clicked on the Terms of Use hyperlink in the Communication  
24 Consent in June 2022. As reflected in Exhibit 2, Rocket Mortgage's Terms of Use  
25 contained an arbitration provision relating to TCPA claims.

26 12. Rocket Mortgage's business records also reflect that, on June 8, 2022, Mr.  
27 MacDonald submitted the following information about himself to LendingTree.com, as  
28

1 part of an inquiry to obtain information about a mortgage refinance and in doing so agreed  
2 to receive calls and text messages from Rocket Mortgage (and others):

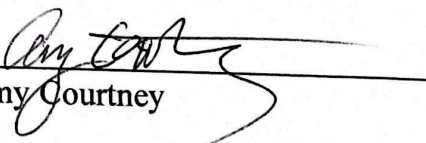
- 3 a) Name: Darren MacDonald  
4 b) Phone Number: 480-540-XXXX  
5 c) Email Address: beginning with dmacdonald@XXX.com  
6 d) Mailing Address: beginning with 8448 E Roanoke Ave  
7 e) Property State: Arizona  
8 f) Loan Purpose: Refinance

9 13. Rocket Mortgage's business records reflect that, after Mr. MacDonald  
10 completed his submission and agreed to Rocket Mortgage's Terms of Use, Rocket  
11 Mortgage contacted Mr. MacDonald in response to his online inquiry. Specifically, a  
12 Rocket Mortgage team member contacted Mr. MacDonald by placing one telephone call  
13 to Mr. MacDonald at the telephone number he provided on June 8, 2022. During the  
14 course of that phone call with Mr. MacDonald, the same team member sent him one text  
15 message containing the team member's name and phone number.

16 14. Rocket Mortgage's records do not show any additional calls or texts to Mr.  
17 MacDonald's telephone number after June 8, 2022.

18  
19 I declare under penalty of perjury under the laws of the United States of America  
20 that the foregoing is true and correct.  
21

22  
23 Executed on February 8, 2024

24  
25   
26 Amy Courtney  
27  
28