

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:

Petition of Free Continuing Education Association, LLC d/b/a FCEA, Daniel Nava, Michael McHenry (and John Does) For Waiver of Section 64.1200(a)(4)(iv) of the Commission's Rules

CG Docket No. 02-278

CG Docket No. 05-338

DECLARATION OF MATT MARTIN

1. From 06/07/2013 to 06/20/2014, I was an employee of Defendant FCEA where I worked in the call center.

2. I have reviewed the lawsuit filed by Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry ("Plaintiff") against FCEA that is pending in the United States District Court of the Eastern District of Missouri, Case No. 4:15-CV-00527 (the "Lawsuit"). I have personal knowledge of certain faxes sent by FCEA, including those sent to Plaintiff and attached as exhibits to the Lawsuit.

3. FCEA disputes that the faxes sent to Plaintiff, along with other faxes that may be at issue in the Lawsuit, were unsolicited. FCEA anticipates it will present evidence indicating that most faxes sent by or on behalf of FCEA were sent with the prior express consent of the recipients. In fact, FCEA will introduce evidence that the faxes sent to Plaintiff and attached as exhibits to the Lawsuit were sent with the express consent of Plaintiff.

4. Prior to the time FCEA sent any faxes to Plaintiff, I personally contacted Plaintiff by telephone and obtained Plaintiff's consent to send faxes.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29th day of May, 2015.

Matt Martin:

