

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
Petition for Declaratory Ruling to Clarify)	
Statutory Basis for Rule 64.1200(a)(3)(iv))	CG Docket No. 02-278
and/or for Ruling Regarding Substantial)	
Compliance with Section 64.1200(a)(4)(iii))	CG Docket No. 05-338
and (iv) and/or Waiver)	

**DECLARATION OF SCOTT M. VOELZ IS SUPPORT OF
PETITION OF ADVANCED CARE SCRIPTS, INC. FOR WAIVER**

I, Scott M. Voelz, declare and state as follows:

1. I am a partner with the law firm of O’Melveny & Myers LLP and a member in good standing of the State Bar of California. I represent Advanced Care Scripts, Inc. (“ACS”) in the above-captioned matter, and I make this Declaration in support of ACS’s petition for waiver. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would do so under oath.

2. Attached as **Exhibit A** is a true and correct copy of the Complaint in *Jefferson Radiation Oncology, L.L.C. v. Advanced Care Scripts, Inc.*, Eastern District of Louisiana No. 2:15-cv-01399, filed on April 29, 2015.

3. Attached as **Exhibit B** is a true and correct copy of the Amended Complaint, in the same matter, filed on August 18, 2015.

4. Attached as **Exhibit C** is a true and correct copy of ACS’s Third-Party Complaint against Westfax, in the same matter, filed on August 18, 2015.

5. Since the filing of the above-referenced lawsuit, several fax recipients have voluntarily signed the attached **Exhibit D**, which states that they find it helpful to receive faxes from ACS that provide information related to specialty prescription medications and services that ACS provides to their patients. The signatories have also indicated that they are aware of their ability to opt out of receiving additional ACS faxes, but have not wanted to opt-out because they find the faxes to be informative and useful in their respective practices.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 12th day of November, 2015 at Los Angeles, California.


Scott M. Voelz