

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:)
)
)
STAPLES, INC. and QUICK LINK)
INFORMATION SERVICES, LLC.)
)
)
Petitioners)
)
)
v.)
)
MATTISON R. VERDERY, C.P.A., P.C.,) CG Docket No. 02-278
)
Respondent.)
)
Brief of Respondent in Opposition to Petition)
for Expedited Declaratory Ruling and for a)
Cease and Desist Order)
)

BRIEF OF RESPONDENT IN OPPOSITION TO PETITION
FOR EXPEDITED DECLARATORY RULING AND FOR
A CEASE AND DESIST ORDER

EXHIBIT A

number for use by a fax machine: 706-733-1863. From this telephone number, Plaintiff both sends and receives faxes to and from clients and third parties.

4.

In March 2003, the Plaintiff received an unsolicited fax advertisement (the "Fax") sent by defendant Quick Link on behalf of defendant Staples. A true copy of the Fax is attached as Exhibit "B" to the Class Action Complaint filed in this case.

5.

Prior to receiving the Fax, I, on behalf of Plaintiff, conducted business with Staples inasmuch as I bought products from Staples either by calling in orders (for paper, for example) or by physically going to the Staples store nearest my office to purchase supplies.

6.

At some point in time, an application for a Staples program known as "Business Rewards" was completed on the Plaintiff's behalf. The Plaintiff's fax number may have been provided on that application or otherwise in connection with orders or purchases from Staples.

7.

Neither I nor the Plaintiff ever gave Staples express permission to send fax advertisements to the Plaintiff's facsimile machine.

8.

I understand that this lawsuit is a class action case brought on behalf of other persons and entities having claims against the Defendants based on the receipt of unsolicited facsimile advertisements. I understand the Plaintiff's role and obligations as a class representative, and if the case is certified as a class action the Plaintiff will fairly and adequately represent the

interests of the class to the best of its abilities.

AND FURTHER affiant sayeth not.

This 6 day of November, 2003.



Mattison R. Verdery

Sworn to and subscribed before me
this 6 day of November, 2003.



Notary Public

Commission Expires: _____

