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AYTAN Y. BELLIN*
ANNE E. HARNEST†

*ALSO ADMITTED IN NJ
†ALSO ADMITTED IN CT

April 11, 2014

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Notification of Ex Parte Presentation, CG Docket Nos. 02-278, 05-338

Dear Ms. Dortch:

On April 8, 2012 I had an *ex parte* meeting, on behalf of my clients Bais Yaakov of Spring Valley, Roger H. Kaye, Roger H. Kaye, MD PC, Menachem Raitport, Crown Kosher Meat Market Inc., with John A. Adams, Mark Stone, Aaron Garza, Kurt Schroeder, Nancy Stevenson and Richard Smith of the Consumer and Governmental Affairs Bureau as well as Richard D. Mallen from FCC's Office of General Counsel. In that meeting, I reiterated the arguments made in my previous comments to the Commission, dated February 13, 2014 and posted on February 14, 2014 (hereinafter "Comments"), that opposed the pending Petitions.

Specifically, I discussed how the FCC had promulgated 47 C.F.R. § 64.1200(a)(4)(iv) (the "Opt-Out Regulation) pursuant to 47 U.S.C. § 227(b), the rationale and why it was necessary for the FCC to issue that regulation and the administrative law principles that empowered the FCC to issue that regulation. *See* Comments at 14-22. I also discussed how the Petitioners did not satisfy the requirements for obtaining a waiver and specifically pointed out that they had not brought forth any public interest that would justify granting them a waiver, that their justifications were merely self-interest and that, in any event, they had brought forth no documentary or other tangible evidence to show that they would be put out of business or would be severely harmed by the private enforcement of the regulation. *See* Comments at 32-34.

I also argued that the Petitioners' claims that the Opt-Out regulation was somehow ambiguous were without merit as the regulation was crystal clear. To the extent that someone

subjectively believed there was some sort of ambiguity, they could have asked the FCC for clarification, but they failed to do so.

I also discussed how the Opt-Out regulation easily passes constitutional muster under the First Amendment because the appropriate level of scrutiny to be applied to the regulation is “reasonable relation” scrutiny. That is because the regulation was passed to, among other things, prevent fax advertisers from misleading fax ad recipients of the steps necessary to opting out of future fax advertisements. *See* Comments at 24-25. I also added that the Opt-Out regulation would pass constitutional muster under the First Amendment even if intermediate scrutiny were the proper standard to apply. *See* Comments at 27-29.

I also discussed the harms suffered by persons who received permission based faxes without the proper opt-out notice which included the fact that the average consumer or anyone for that matter, who did not receive the specific instructions how to properly opt-out would not be able to do so effectively and the fax advertisers would be able to ignore defective opt-out requests. In addition, the lack of specific directions on fax advertisements on how to opt-out likely discourages fax recipients from opting out.

I contended that accepting substantial compliance with the opt-out notice is completely inconsistent with the wording of the TCPA and 47 C.F.R. § 64.1200(a)(4)(iii), (iv) and also would put persons who tried to opt-out at the mercy of the fax advertisers since the fax advertisers would not be required under the statute to abide by incomplete opt-out notices. Indeed, I pointed out that it was the fax advertising industry itself that had demanded back in 2006 that the regulations be very specific as to what was required for an opt-out to be effective. The fax advertising industry did this because it wanted to have clarity as to what its obligations were. Having demanded and received that clarity, it is completely improper for them to turn around and say that they do not have to inform fax ad recipients what exactly is necessary for an effective opt-out request.

I also pointed out that while fax advertisers often claim that they received permission to send fax ads to particular consumers, that usually turns out not to be the case. The Commission itself was concerned that because only oral permission is required for fax advertising, “permission not provided in writing may result in some senders’ erroneously claiming they had the recipient’s permission to send facsimile advertisements.” In the Matter of Rule and Regulations of the Telephone Consumer Protection Act of 1991, 21 F.C.C.R. 3783, 3812, ¶ 46. The FCC’s requirement that of an opt-out notice on fax advertisements that the sender contends are permission-based assures that when that claim of having received oral permission is erroneous – or indeed fraudulent – the unwitting recipient of such a fax advertisement will know how to opt out properly. *Id.* ¶ 48.

Finally, I pointed out that the requirement of placing a proper opt-out notice on the bottom of fax advertisements is not burdensome in the least, and that therefore the Petitioners’ claims of undue burden are preposterous.

Attached as Exhibit A for further consideration, please find 48 sworn declarations from class members in the case of *Vandervort v. Balboa*, 8:11 cv 01578 (JLS)(C.D. Cal.) that contain

their reactions to the class settlement as well as their experiences with junk faxes in general. A good number of them claim that their opt-out requests were ignored by the Defendant. This is an extremely common refrain that those of us who work on behalf of consumers in this are repeatedly hear. Significantly, *Vandervort* was the first federal court case in which the Court certified a class based on a failure to contain appropriate opt-out notices on both permission-based and unsolicited faxes. The declarations make even more clear how important it is to require complete opt-out notices on all fax advertisements to help prevent the receipt of future unwanted fax advertisements.

Please feel free to contact me with any questions concerning these issues.

Sincerely,

/s/ Aytan Y. Bellin
Counsel for
Bais Yaakov of Spring Valley,
Roger H. Kaye
Roger H. Kaye, MD PC,
Menachem Raitport and
Crown Kosher Meat Market Inc.

EXHIBIT A

DECLARATION

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1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

SINCE THIS SETTLEMENT CAME OUT OF THE BLUE FOR ME I AM VERY PLEASED THAT WE ARE RECEIVING ANYTHING IN THE SETTLEMENT. I UNDERSTAND ALL THE WORK THAT GOES INTO SOMETHING LIKE THIS AND I APPRECIATE THE WORK FROM BOTH SIDES.

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

Executed on [date] 26 FEB, 2014 in [provide city and state where you are signing this declaration] TUSCALOOSA, AL.


[YOUR SIGNATURE]

THOMAS C DOCKERY
[Please write your name here and sign above]

DECLARATION

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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 *I'm glad to see action being*
9 *taken against the defendant. Their practices*
10 *of constantly faxing their solicitations to*
11 *our fax machines wasted a lot of our*
12 *paper and toner. It also caused wear and*
13 *tear on our equipment. I wish I had*
14 *saved everything they faxed to us but who*
15 *would have known there would be a*
16 *lawsuit at such a later date.*
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on [date] 2/27, 2014 in [provide city and state where you
23 are signing this declaration] Placerville, CA

24 *Steve Griffin* Purchasing Agent
25 *for the El Dorado Irrigation*
26 *District.*
[YOUR SIGNATURE]

27 STEVE GRIFFIN

28 [Please write your name here and sign above]

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2. Please provide your reaction to the settlement:

The settlement adequately address our burden related to the actions of the defendant.

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

Executed on [date] 2/28, 2014 in [provide city and state where you are signing this declaration Wade Park, CT].



[YOUR SIGNATURE]

Alex Dark
[Please write your name here and sign above]

DECLARATION

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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8
9 ~~Bob Bob Capital~~ would routinely at least
10 every day send multiple FAXES to my office
11 soliciting my business. My FAX # is [REDACTED]
12 [REDACTED] and was the same number since
13 4/2004. They sent at least 960-1000 FAXES
14 over the period of 11/1/07 - 11/22/11 we would
15 get so many on certain days, that it is
16 difficult to estimate. This is a conservative
17 estimate.
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on [date] 2/28, 2014 in [provide city and state where you
23 are signing this declaration Palm Desert, CA].

24
25 Robert M Daddio

26 [YOUR SIGNATURE]

27 Robert A DADDIO

28 [Please write your name here and sign above]

Robert Daddio

1 **DECLARATION**

2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 **IT IS ABOUT TIME A LAW IS INFORCED WITH THESE COMPANIES THAT USE UP YOUR**
9 **PAPER AND PHONE LINE.**

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

22 Executed on [date] 2/28/2014, 2014 in [provide city and state where you
23 are signing this declaration PARK CITY, KS].

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25 
26 [YOUR SIGNATURE]

27 Louise Lee
28 [Please write your name here and sign above]

DECLARATION PROVIDING REACTION TO SETTLEMENT

Phone #
mattchris

submitter -
Gary Lee

Advantage
CUSTOMERS
Exhibit B - Page 5

DECLARATION

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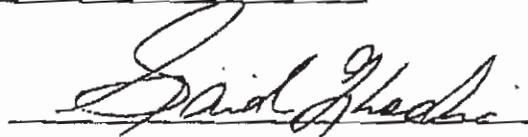
2. Please provide your reaction to the settlement:

During Period of a Year:

- 1- We received several pages of fax on weekly bases
- 2- Waste of papers
- 3- Waste of our Printer Cartridges
- 4- Waste of personal Time
- 5- Wear & Tear on Fax equipment
- 6- Blocking the use of FAX Line
- 7- Creating FAX report error

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

Executed on [date] 2-28, 2014 in [provide city and state where you are signing this declaration _____].



[YOUR SIGNATURE]

SAID GHODSI

[Please write your name here and sign above]

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2. Please provide your reaction to the settlement:

If there is a law against sending junk faxes and they willingly and knowingly ignored the law, we should be compensated for our time and expense dealing with it. If their phone records show who was sent junk faxes and how many, we shouldn't have to prove we got them because we don't save junk faxes, we throw them away.

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

Executed on [date] 2/28, 2014 in [provide city and state where you are signing this declaration Lunenburg, MA].

Carl Flinkestrom
[YOUR SIGNATURE]

Carl Flinkestrom
[Please write your name here and sign above]

DECLARATION

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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 Remember receiving one to two faxes
9 a week sometimes more. They would
10 use my paper in the fax machine
11 empty. I'm glad that they are caught.
12 sending faxes to companies that don't need
13 or have anything to do with the business.
14 Thank you for stopping firms from
15 doing this type of unwanted damage.
16 Thank you.

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

22 Executed on [date] 3-2, 2014 in [provide city and state where you
23 are signing this declaration Song Beach Calif.] 90806

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25 Steve Wachko

26 [YOUR SIGNATURE]

27 STEVE WACHKO
28 [Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

I think the minimum payment
of \$2,300,000 was too low

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

Executed on [date] 3/11, 2014 in [provide city and state where you are signing this declaration EDISON NJ].



[YOUR SIGNATURE]

LARRY SOLOMON

[Please write your name here and sign above]

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2. Please provide your reaction to the settlement:

I THINK THAT THESE PEOPLE SHOULD BE HELD ACCOUNTABLE FOR THEIR BUSINESS PRACTICES THAT INCLUDED HARASSMENT, I WOULD LIKE TO SEE A DOLLAR AMOUNT IN DAMAGES THAT IS NOT JUST A "SLAP ON THE WRIST"

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

Executed on [date] 3/1, 2014 in [provide city and state where you are signing this declaration CHESTER, VT].



[YOUR SIGNATURE]

RIKA A BLISS

[Please write your name here and sign above]

Received:

JCV Investment Systems

Mar 3 2014 03:56pm

860-537-4486

p.1

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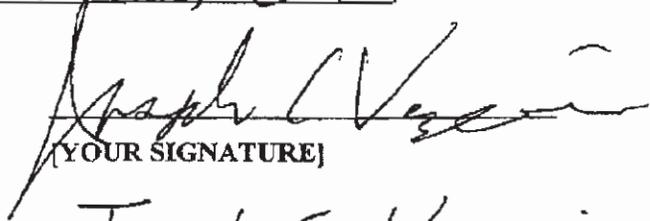
1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

The settlement will at least provide some level of comfort that Balboa is being punished for their annoying costly bad ACTS. We received fax after fax, using ink and paper. I tried to get our number removed from our list to NO Avail. Perhaps paying out a couple of million dollars might be enough incentive to get this company to obey the law.

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

Executed on [date] 3 March, 2014 in [provide city and state where you are signing this declaration] Colchester, CT.



[YOUR SIGNATURE]

Joseph C. Veneziano
[Please write your name here and sign above]

Received:

#5563

Mar 3 2014 02:06pm

03/03/2014 15:16

8028991239

GREEN MT CHIPPING

PAGE 02

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2. Please provide your reaction to the settlement:

I was trying to obtain financing for the purchase of equipment for my business through an equipment dealer when I started receiving faxes from various companies offering financing. They kept coming on a regular basis with no way of opting out of receiving any more contact. The number of faxes received is unknown, but over the course of one year at least 1/month. There were two other companies from CA that solicited also during this same time.

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

Executed on [date] 3/3, 2014 in [provide city and state where you are signing this declaration] Jericho, VT.

David Villeneuve

[YOUR SIGNATURE]

DAVID VILLENEUVE
[Please write your name here and sign above]
OF GREEN MOUNTAIN CHIPPING, INC

DECLARATION

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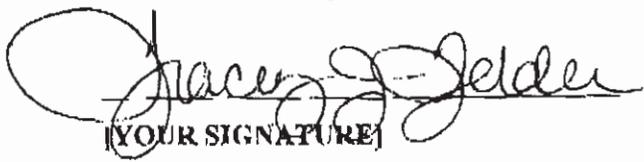
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2. Please provide your reaction to the settlement:

As owner of 5 Star Enterprise and ChemStation of Atlanta, I have received several faxes regarding doing business with Babson Capital. I have sent numerous faxes back to the # on end of fax transmittal sheet and I have even used the phone # on the fax to have my fax # removed. I have other business associates whom have been involved in the same fax situation. It has cost me ink/toner, paper + business time to get this to stop! I was more than happy to join in on this class action suit to just get back what was lost.

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

Executed on [date] 3/3, 2014 in [provide city and state where you are signing this declaration] Atlanta, Georgia.


[YOUR SIGNATURE]

Tracey J. Felder
[Please write your name here and sign above]

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1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

My READING OF THE SETTLEMENT, WITH NO LEGAL TRAINING, WOULD LEAD ME TO BELIEVE IT FAIR.

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

Executed on [date] 3/3, 2014 in [provide city and state where you are signing this declaration] Moraga Bay, CA].


[YOUR SIGNATURE]

Thomas MacDowell
[Please write your name here and sign above]

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2. Please provide your reaction to the settlement:

At the time I was receiving the faxes, I was irritated. I couldn't stop them from tying up my phone line and using my paper & ink. I am not certain what penalties will be imposed but there should be a penalty

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

Executed on [date] March 3, 2014 in [provide city and state where you are signing this declaration MIDDLETHIAN VA].

Bernard R Rixey
[YOUR SIGNATURE]

Bernard R Rixey
[Please write your name here and sign above]
MATS FOR YOU INC

DECLARATION

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2. Please provide your reaction to the settlement:

I am Glad this has come to this
No more faxes which wasted my paper
and Abou ~~3~~ The phone calls

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

Executed on [date] 3-3, 2014 in [provide city and state where you are signing this declaration New Lisbon, OH.].

Kara J Hadley
[YOUR SIGNATURE]

Kara Hadley

Kara J Hadley
[Please write your name here and sign above]

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DECLARATION

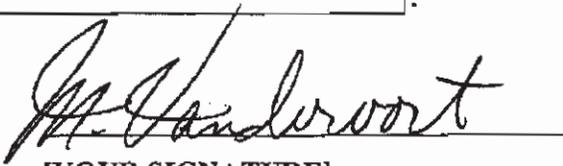
1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

I am OK with it.

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

Executed on [date] MARCH 3, 2014 in [provide city and state where you are signing this declaration _____].


[YOUR SIGNATURE]

MICHAEL VANDERVOORT
[Please write your name here and sign above]

DECLARATION

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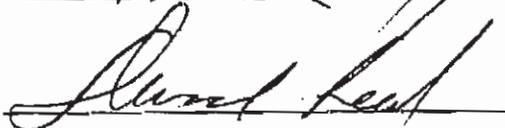
2. Please provide your reaction to the settlement:

Graphic Arts Supply receives on average 10 "spam" faxes each week from various companies with offers of low-cost equipment leasing. We have established local sources for financing our customer's equipment. We applaud this settlement as a way of discouraging this practice.

Thank you

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

Executed on [date] 3/2/, 2014 in [provide city and state where you are signing this declaration] Milwaukee OR.



[YOUR SIGNATURE]

Sherman Reed

[Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

COMPANIES HAVE TO BE HELD ACCOUNTABLE,
AS WE ALL ARE.

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

Executed on [date] 3-4, 2014 in [provide city and state where you are signing this declaration] FREDERICK OKLAHOMA

73542

Jeff Burleson
[YOUR SIGNATURE]

JEFF BURLESON
[Please write your name here and sign above]

DECLARATION

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2. Please provide your reaction to the settlement:

THE SETTLEMENT SEEMS FAIR TO ALL INVOLVED,
ADVISE IF YOU NEED MORE.

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

Executed on [date] _____, 2014 in [provide city and state where you are signing this declaration _____].

Charles E. Ray
[YOUR SIGNATURE]

CHARLES E. RAY
[Please write your name here and sign above]

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DECLARATION

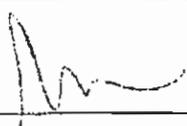
1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

It seems like a reasonable settlement. The defendant repeated faxed unsolicited advertisements costing recipients costs in paper, toner and machine wear and tear.

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

Executed on [date] 3/4/14, 2014 in [provide city and state where you are signing this declaration Monticello, IL].



[YOUR SIGNATURE]

Scott Hutson
[Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

When I receive nuisance faxes, such as those sent by the defendant, I dispose of them as fast as they are sent. I did not consider it worth my time or storage space to "save" them for future reference. It is unfair to award settlement purely on the basis of retaining actual copies of the fax advertisements. Marketing records would have the phone numbers used and how many times faxes were sent. Settlement should be made based on those records and not by "saved" copies.

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

Executed on [date] 3/4, 2014 in [provide city and state where you are signing this declaration] Michigan, OH.

Diane Gubern
[YOUR SIGNATURE]

DIANE GUBERN
[Please write your name here and sign above]

Diane Gubern
Exhibit B Page 22

DECLARATION

1
2 I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 My reaction in a single word
9 is "accountability" -
10
11 With accountability - sometime
12 enforced - "law + order" exists
13
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on [date] 3-4, 2014 in [provide city and state where you
23 are signing this declaration Rockford Illinois].

24
25 Edwin J Spears
26 [YOUR SIGNATURE]

27 Edwin J Spears
28 [Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

As a small business, I am pleased that action has been taken against Balboa Capital Corporation. We received countless unsolicited facsimiles from this company. Not only did it waste supplies of paper and ink on our machine it also disrupted us from getting facsimiles we were expecting. Due to the countless copies we received we decided to get rid of our machine and now only communicate our business needs through the mail or via e-mail.

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

Executed on [date] 3-1-14, 2014 in [provide city and state where you are signing this declaration FARMINGTON, NM].

John Silva

[YOUR SIGNATURE]

JOHN SILVA

[Please write your name here and sign above]

March 2, 2014

To Whom It May Concern:

My name is Vicki Karlin and I was the owner of Spa Europa (DBA Europa Medi-Spa). At least one to two times a week I received faxes from Balboa Capitol even after I financed equipment through them constantly soliciting me to borrow more and more money. Every fax I received kept pressuring me to purchase more and more equipment. This became a problem and eventually I called and requested they stop sending me faxes, but they didn't they just kept coming on a regular basis. Corporations that subject people to this type of sales tactic should be held accountable.

Sincerely,


Vicki Karlin

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DECLARATION

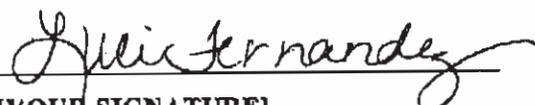
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2. Please provide your reaction to the settlement:

It is certainly refreshing to see that the court is taking action against Balboa Capital's actions. Too many times the large corporations do not follow all the rules and unsuspecting individuals and small firms fall prey to their deceit. This has been a far too common occurrence in these hard economic times we live in. While unfortunately I did not save the faxes that Balboa Capital transmitted to us, I can certainly attest that we received quite a few. We were going through some difficult times and the memos were quite enticing, but I did not respond as I was reluctant to have a credit report drawn on us. The more reports pulled the worse it is. I hope the individuals that were hurt by Balboa Capital are happy with the settlement. I would be.

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

Executed on [date] 3/6, 2014 in [provide city and state where you are signing this declaration] Johnstown, NY.


[YOUR SIGNATURE]

Luci Fernandez
[Please write your name here and sign above]

1 **DECLARATION**

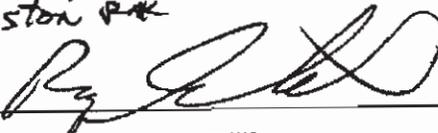
2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8
9 I am very pleased that Balboa Capital is being
10 forced to atone for this annoying and illegal practice.
11 It is ludicrous to ask claimants to act as if they
12 can account for every tax ever sent by Balboa,
13 however, as this took place several years ago
14 and it is the rare company, indeed, that will
15 record and keep records of all the tax
16 solicitations received over any period of time.
17 These taxes are truly junk and are treated as such
18 upon their arrival.
19
20

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

22 Executed on [date] 3/5, 2014 in [provide city and state where you
23 are signing this declaration ~~Chicago, IL~~
Evanston, IL].

24
25 
26 [YOUR SIGNATURE]

27 Roger A. Knuth
28 [Please write your name here and sign above]
President, Lepin Systems, Inc.

WS.

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DECLARATION

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2. Please provide your reaction to the settlement:

I received multiple solicitations from Balboa capital. I never asked to be contacted by FAX and believe Company's should be held liable when they Break The Law.

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

Executed on [date] 5th of March 2014 in [provide city and state where you are signing this declaration Simi Valley Ca. 93065].

Wade Savage
[YOUR SIGNATURE]

Wade Savage
[Please write your name here and sign above]

DECLARATION

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2. Please provide your reaction to the settlement:

\$200 to be received of receiving nuisance fax transmission seems adequate. The real cost incurred was paper toner & interruption of service. The settlement seems adequate and, perhaps, will deter other junk fax companies from loading my fax on a daily basis.

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

Executed on [date] 5th March, 2014 in [provide city and state where you are signing this declaration] Yarmouthport, MA.].


[YOUR SIGNATURE]

Sheila FitzGerald
[Please write your name here and sign above]

DECLARATION

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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8
9 HAVING BEEN A BUSINESS OWNER THAT
10 WAS FORCED TO SORT THROUGH, AND
11 THROW AWAY, SEEMINGLY ENDLESS
12 CONNECTED PAGES OF EXPENSIVE
13 THERMAL FAX PAPER, I AM
14 QUITE PLEASED THAT THERE SEEMS
15 TO BE SOME RECOURSE FOR THIS
16 COMPLETELY ILLEGAL PRACTICE.
17
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21 I declare under penalty of perjury that the foregoing is true and correct.
22 Executed on [date] MARCH 4, 2014 in [provide city and state where you
23 are signing this declaration GRANADA HILLS, CA].

24
25 
26 [YOUR SIGNATURE]

27 LES E. CLAYPOOL III
28 [Please write your name here and sign above]

DECLARATION

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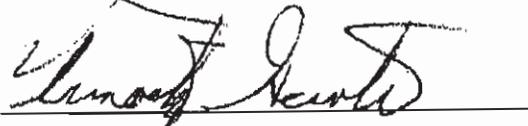
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2. Please provide your reaction to the settlement:

I am pleased to know someone is looking out for the small guy. The leasing industry has some very unscrupulous tactics and seem to have minimal restrictions on their dealings. I personally have been "ripped-off" by 2 separate leasing companies, for \$12,000. in the past two years. Coupled with the recession, this makes my business of 20 years' future questionable. I hope more scrutiny is placed on these firms.

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

Executed on [date] 3/5, 2014 in [provide city and state where you are signing this declaration Wailuku, Hawaii].



[YOUR SIGNATURE]

Timothy GUNTER
[Please write your name here and sign above]

DECLARATION

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2. Please provide your reaction to the settlement:

I agree that within the range of reasonableness up to 1500⁰⁰ per page sent, should be a fair settlement.

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

Executed on [date] 3-6, 2014 in [provide city and state where you are signing this declaration] Jerriell, Iowa.

Ron Zelinsky
[YOUR SIGNATURE]

RON ZELINSKY
[Please write your name here and sign above]

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

MICHAEL A. VANDERVORT and)
U.S. SAMPLE SERVICES, INC., on)
behalf of themselves and all others)
similarly situated,)

Plaintiffs,

vs.

BALBOA CAPITAL
CORPORATION,

Defendant.

Case No.: SACV 11-1578-JLS (JPRx)
Hon. Josephine L. Staton

DECLARATION OF
[ADD NAME:]
ON MOTION FOR FINAL
APPROVAL OF CLASS
SETTLEMENT

Date: March 21, 2014
Time: 2:30 p.m.
Judge: Hon. Josephine L. Staton

Hate junk junk fakes, - give a way to get off lists.

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DECLARATION

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2. Please provide your reaction to the settlement:

I declare under penalty of perjury that the foregoing is true and correct.
Executed on [date] 3/16, 2014 in [provide city and state where you are signing this declaration SALT LAKE CITY, UT].

BHA BRAMMER

[YOUR SIGNATURE]

BHA BRAMMER
[Please write your name here and sign above]

03/07/2014 11:01

Received
16302680170

Mar 7 2014 10:22am

INKWELL

PAGE 01



March 7, 2014

RE: Vandevort, et. Al. V. Balboa Capital Corporation

Case 8:11 CV 1578 (JLS)

Attn: J.S. Tilghman

In response to your recent request: We are a print company with Fax Services for \$2.00 for the first page and \$1.00 for every page thereafter. Through the four time period these faxes were sent, we probably received one or more faxes per week. It got to the point where we would comment when faxes came through "It's just another Balboa Capital fax". The fax ribbons for our fax machine run about \$450 a roll, which last only about a week. Over the period of four years, I would estimate Balboa Capital wasted about 8 - 10 rolls of fax ribbons & paper costing us approx. \$360 - \$450 in materials.

Thank You!

Carol Morgan

Owner/Operator

DECLARATION

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1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

I am satisfied with the settlement agreement.

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

Executed on [date] 2/28, 2014 in [provide city and state where you are signing this declaration] et].

Les Morrell

[YOUR SIGNATURE]

LES-MORRELL

[Please write your name here and sign above]

DECLARATION

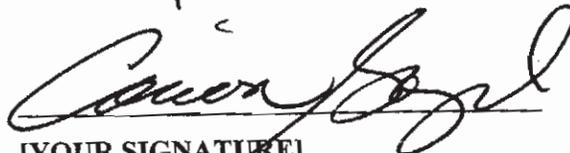
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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 *Assuming the lawyers get a 25% fee, the 19,491*
9 *will receive an equal share equating to ~\$126.98 (max).*
10 *This amount should cover the damages. If the*
11 *legal team gets a greater share, then this will*
12 *not be an adequate award for damages. The victims*
13 *should receive no less than \$100/ in damages.*

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

22 Executed on [date] 3/3, 2014 in [provide city and state where you
23 are signing this declaration Houston, TX].

24
25 
26 [YOUR SIGNATURE]

27 Cameron Boyd
28 [Please write your name here and sign above]

DECLARATION

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2. Please provide your reaction to the settlement:

I have worked in this office for the past 20 years. I have shredded dozens if not hundreds of these solisitations from this company. It has wasted expensive ink & paper and time. It lasted for years; I considered it a true nuisance. I did not want these fax's coming in.

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

Executed on [date] 3-3, 2014 in [provide city and state where you are signing this declaration Homer, Alaska].


[YOUR SIGNATURE]

Administrators' NOSE: Laurie Heston
[Please write your name here and sign above]

CF WAS COMPLETED
by James Heston

DECLARATION

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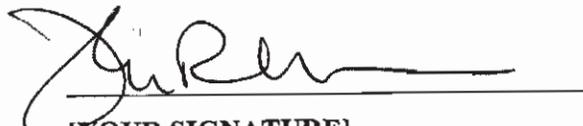
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2. Please provide your reaction to the settlement:

FRANKLY NO ONE EXPECTS MUCH FROM THESE PROCEEDINGS MUCH ANY MORE. THE COMPENSATION IS USALLY PRETTY POOR COMPARED TO THE INITIAL AGGRAVATION OF GETTING THE ANOYING FAXES. SOMETHING IS BETTER THAN WHERE WE WERE BEFORE.

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

Executed on [date] MARCH 2, 2014 in [provide city and state where you are signing this declaration] LIVONIA MI 48150.


[YOUR SIGNATURE]

JOHN MASSMAN, Logik Inc
[Please write your name here and sign above]

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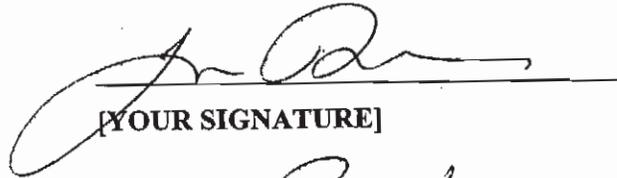
DECLARATION

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2. Please provide your reaction to the settlement: *I feel that the settlement in this case is fair for all class members as well as the Defendant, Balboa Capital. Balboa Capital Corporation sent or caused to be sent tens of thousands of facsimile advertisements to persons such as myself which violated TEPA, FCC Regulations and state law.*

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

Executed on [date] March 3, 2014 in [provide city and state where you are signing this declaration Maryland].


[YOUR SIGNATURE]

James Beckler
[Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

I have carefully read the proposed settlement with respect to unsolicited facsimilie messages sent to 201-934-4274 by Balboa Capital Corporation during the time period in question and have come to the conclusion that the agreed offer is fair and properly compensates the individual Plaintiffs for their expense and inconvenience. Since the Defendant appears to have accepted the settlement plan, I believe that the Court should order final approval at its next scheduled hearing so that distribution of the funds may be effected without delay.

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

Executed on [date] MAR. 7, 2014 in [provide city and state where you are signing this declaration] UPPER SADDLE RIVER, NJ 07458

Eugene S. Darwin

[YOUR SIGNATURE]

21100135
EUGENE DARVIN
Eugene S Darwin d/b/a Sylvan Chemical Corp, successor in id sign above
interest to Sylvan Chemical Corp
345 State Rt 17
Upper Saddle River, NJ 07458

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DECLARATION

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2. Please provide your reaction to the settlement:

The proposed numbers in the settlement are satisfactory to me. The actual taxes should be more highly valued.

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

Executed on [date] March 6, 2014 in [provide city and state where you are signing this declaration] K.C. MO.

Stephen Bowca
[YOUR SIGNATURE]

Stephen Bowca
[Please write your name here and sign above]

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DECLARATION

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2. Please provide your reaction to the settlement:

I have no objection to the proposed settlement

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

Executed on [date] March 7, 2014 in [provide city and state where you are signing this declaration] College Park Ga.


(YOUR SIGNATURE)

Jeffrey E Sunnergren
(Please write your name here and sign above)

DECLARATION

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2. Please provide your reaction to the settlement: *I WAS GLAD TO SEE THAT FINALLY THIS COMPANY WAS BEING HELD ACCOUNTABLE FOR THEIR ACTIONS. DUE TO THE FACT THAT WE WERE VICTIMS OF THE EVERGREEN CLAUSE, THE REPEATED FAXES WERE EXTREMELY FRUSTRATING. THIS COMPANY IS HAPPY TO PROVIDE ANY ADDITIONAL INFORMATION THAT YOU NEED.*

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

Executed on [date] 3-6 2014 in [provide city and state where you

are signing this declaration Oklahoma].

Administrator Note:
No Fax No. or Company name provided and this person is not found in DB on the list of CFK rec'd, only 2 cos on list from Oklahoma, one has already sent a Declaration, therefore this is being attributed to the other ann

Angela L Mack

[YOUR SIGNATURE]

ANGELA L Mack
[Please write your name here and sign above]

DECLARATION

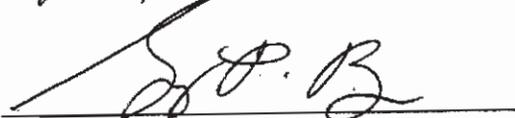
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4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8 I believe the settlement is fair and
9 reasonable. I do not wish to see
10 Balboa Capital go out of business because
11 of the settlement, but hope they will
12 adjust their business practices to respect
13 potential clients.
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on [date] MARCH 5, 2014 in [provide city and state where you
23 are signing this declaration] SAN DIEGO, CA].

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26 [YOUR SIGNATURE]

27 GREGORY P. BENJAMIN
28 [Please write your name here and sign above]
LASERLAB, INC. CEO

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DECLARATION

1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

I am satisfied that a settlement has been brought against a company that sends these types of faxes. As a business owner the cost of receiving faxes is outrageous. I am charged every time a fax comes in. After the fax is received, employees stand there and take time to read this trash. Every time a fax comes in that is an advertisement I call the number on the fax so that I do not receive that companies faxes again. Companies that send faxes without a cancelation number should be stopped and fined as in this case.

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

Executed on [date] March 6, 2014 in [provide city and state where you are signing this declaration _____].



[YOUR SIGNATURE]

Edgar Garcia
[Please write your name here and sign above]

DECLARATION

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2 1. I have filled out and submitted a claim form in connection with the
3 proposed settlement of this class action. I have personal knowledge of the
4 matters set forth in this declaration, and could and would testify competently to
5 their truth and accuracy if called as a witness. I submit this declaration to provide
6 my reaction to the settlement in this case.

7 2. Please provide your reaction to the settlement:

8
9 TO WHOM IT MAY CONCERN:

10 I BELIEVE THE PROPOSED SETTLEMENT IS
11 FAIR. I'VE SEEN HARASSMENT BY VARIOUS
12 PARTIES OVER THE YEARS AND THIS FEELS
13 LIKE VINDICATION FOR THIS. I THINK
14 BALBOA (CAPITAL RUSH) TO FAIL AND
15 WOULD BE AGREEABLE TO THE PROPOSED
16 SETTLEMENT.
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21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on [date] 3. 11, 2014 in [provide city and state where you
23 are signing this declaration BOLINAS, CALIF.].

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26 [YOUR SIGNATURE]

27 JONATHAN R. CUNHA
28 [Please write your name here and sign above]

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DECLARATION

1. I have filled out and submitted a claim form in connection with the proposed settlement of this class action. I have personal knowledge of the matters set forth in this declaration, and could and would testify competently to their truth and accuracy if called as a witness. I submit this declaration to provide my reaction to the settlement in this case.

2. Please provide your reaction to the settlement:

Your Honor,
I feel that this is a fair settlement
for this case.

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

Executed on [date] 3-10-, 2014 in [provide city and state where you are signing this declaration Augusta, GA].

Scott Walkowitz
[YOUR SIGNATURE]

Scott WALKOWITZ
[Please write your name here and sign above]