

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN W. FERRON,	:	
	:	
Plaintiff,	:	Civil Action No. 2:06-cv-322
	:	
vs.	:	Judge Frost
	:	
VC E-COMMERCE SOLUTIONS, INC.,	:	Magistrate Judge Abel
<i>et al.</i>	:	
	:	
Defendants.	:	

AFFIDAVIT OF JOHN W. FERRON

I, John W. Ferron, hereby state under oath as follows:

1. I am over 18 years of age, and am otherwise competent to make this affidavit. The matters set forth below are based upon my own personal knowledge and, if called as a witness, I could and would testify competently thereto. I am providing this Affidavit in connection with the above referenced matter.

2. I am the Plaintiff in the above captioned matter.

3. When I filed my First Amended Complaint in this case on June 8, 2006, I was able to identify with certainty only two parties responsible for the email messages at issue in this case, VC E-Commerce, Inc. and Media Breakaway, LLC ("MBA").

4. However, since that time, I have conducted discovery in this case and continued to investigate the sources of the commercial email messages at issue that I have received since January 1, 2006.

5. Based upon the discovery responses I recently obtained from MBA, and the information I have obtained through my continued investigation of the facts, I have now identified many of the advertisers on whose behalf MBA's emails were sent. I reasonably

believe that each of the new parties defendant that is named in Plaintiff's proposed Second Amended Complaint has authorized or participated in the transmittal of one or more of the commercial email messages at issue in this case.

6. Many of the email messages that Defendants have sent or caused to be sent to me fail to include in the body of the message a clear and conspicuous recitation of the sender's name and complete residence or business address and the electronic mail address of the person transmitting the electronic mail advertisement.

7. I have attempted to communicate directly with each of the potential new parties defendant identified by MBA in its discovery responses to determine whether they are appropriate parties defendant in this case.

8. As of the date of this Affidavit, however, none of the potential new parties defendant has provided me with any information suggesting they are not proper parties defendant in this case.

9. Further affiant sayeth naught.



John W. Ferron

SWORN AND SUBSCRIBED TO BEFORE ME this 15th day of October, 2007.



Notary Public



LISA A. WAFER
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.