

AFFIDAVIT OF ROBERT BATTAGLIA

Robert Battaglia does hereby certify under penalties of perjury that the following facts and allegations are true and correct to the best of his knowledge, information, and belief, and are made on his personal knowledge:

1. That he is over eighteen (18) years of age and is competent to be a witness to the matters stated herein.
2. Affiant Battaglia is President of Telecom Tech Support in Oceanside, California.
3. In approximately 2000, Affiant Battaglia contracted with Fax.com, Inc. to house/host faxcasters.
4. In 2002, Affiant Battaglia formed Telecom Tech Support, and continued his relationship with Fax.com, Inc.
5. Affiant Battaglia received compensation for the use of Telecom Tech Support's computers, and has consistently declared such income for the purposes of all applicable taxes.
6. Affiant Battaglia did not, and does not, decide which numbers to which a fax may be broadcasted.
7. Affiant Battaglia did not, and does not, have any knowledge concerning the specific numbers targeted by the faxcaster.
8. Affiant Battaglia did not, and does not, control the content of the faxes, nor does he play any role in their design or development.



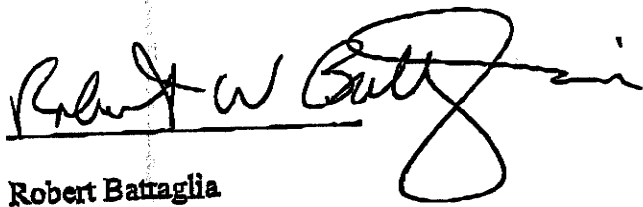
NOV. 25. 2003 3:56PM
Nov-25-2003 08:23am

KRISP-PAK, INC.
From-COUNCIL BARRETT ROBERTS ASSOCIATES, P.A.

4102898405

1-101 NO. 070-11-11-11

9. Affiant Battaglia was not, and is not, aware of the subject matter of any of the
faxes sent via Telecom Tech Support's computers.


Robert Battaglia