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Attorneys for Defendant
JEANETTE BUNN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

CHRISTOPHER S. FERGUSON,)	Case No. IC 832345
Plaintiff,)	
v.)	DECLARATION OF JEANETTE BUNN IN SUPPORT OF MOTION TO VACATE JUDGMENT ON SISTER-STATE JUDGMENT
JEANETTE BUNN,)	
Defendant.)	DATE: September 15, 2004 TIME: 1:30 p.m. DEPT: 5

I, Jeanette Bunn, declare as follows:

1. I am the Defendant in the above proceeding. I make this declaration based on my own personal knowledge, and would and could competently testify to the matters declared herein if called upon to do so.

2. Plaintiff CHRISTOPHER S. FERGUSON ("Plaintiff") obtained a small claims default judgment in a Utah court in the amount of \$3,574.22 against me **individually**. From what I have been able to determine, Plaintiff alleged and represented to the Utah court that he had received an unsolicited business advertisement via his fax machine from me and that this act violated three separate laws: a statute of the United States, a Federal Communications Commission regulation, and a Utah statute.

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3. I am a California resident. I have never owned or operated any business in Utah. I do not reside in Utah. I do not own any real property in Utah. I have no bank accounts in Utah.

4. Plaintiff claims to have served me in this matter by certified mail -- return receipt requested, with tracking number 7002 3150 0005 1544 8979. At no time did I ever sign a receipt for acceptance of registered or certified mail for the Utah Small Claims Affidavit and Order sent by Plaintiff in this matter. The U.S. Postal Service has provided a copy of the return receipt for the above-referenced certified mail tracking number, a copy of which is attached as **Exhibit "C"** to the Points and Authorities filed herewith. The signature on the receipt is that of a "C. Talbot" and not mine. C. Talbot was never authorized by me nor authorized by law to receive service of process on my behalf.

5. The Utah small claims court has confirmed that the return receipt on file with the court and offered by Plaintiff as proof of service on me is tracking number 7002 3150 0005 1544 8979, the same as above, and that it is signed by a "C. Talbot". It would appear that in obtaining the small claims court judgment against me, Plaintiff intentionally mislead the court by representing that I had been properly served.

6. I am the President of JD&T Enterprises, Inc., a California corporation, which does business under the fictitious business name of Travel To Go (hereinafter "Travel To Go").

7. In January 2004, Travel To Go received a letter from Plaintiff addressed "Jeanette Bunn-Travel To Go." I do not know how or why Plaintiff associated my name with Travel To Go because my name does not appear in any advertising used by the company and is not readily associated with the business Travel To Go. The alleged act upon which Plaintiff based his lawsuit, if it occurred, was not an individual act on my part. Plaintiff acknowledges that fact by the way he addressed the letter to the company, but it appears that he did not disclose that information to the Utah court, choosing instead to misrepresent to the court that

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1 I was personally responsible rather than naming the corporation as the defendant. If the
2 alleged event occurred at all, it would have been an unauthorized act of a third party.

3 8. Because Plaintiff purportedly sued me in connection with an alleged event he
4 attributes to Travel To Go, the following information is pertinent.

5 9. Travel To Go's sole place of business is in San Diego, California. Travel To
6 Go does not have any offices in Utah, nor does it employ any persons within Utah. It pays no
7 corporate, payroll, or other taxes to Utah. It has no bank accounts nor owns any real or
8 personal property in Utah. It does not have and does not maintain any telephone numbers,
9 mailing addresses, or post office boxes in Utah.

10 10. Travel To Go does not own, lease or maintain any office or branch in Utah
11 and has never sought, nor been qualified, nor registered to do business in Utah. Travel To Go
12 has never held a license to do business in Utah, has never been authorized to transact business
13 in Utah and has never had a registered agent for service of process in Utah.

14 11. Travel To Go has never conducted business in Utah and has never sent any
15 advertisements into Utah via facsimile.

16 12. Neither I, nor any employee or officer of Travel To Go, has ever traveled to
17 Utah to conduct business with consumers in that state.

18 13. Since a copy of the alleged facsimile that allegedly violated the law has never
19 been provided to me by Plaintiff, nor was it attached to the Small Claims Affidavit & Order, I
20 can only surmise that the name Travel To Go is alleged to have appeared in the alleged
21 advertisement allegedly faxed to Plaintiff.

22 14. Travel To Go is in the business of selling travel packages to retail customers
23 and specializes in arranging and booking condominium stays for its customers. Travel To Go
24 has never sent out facsimile advertisements itself, nor paid anyone to do so on its behalf.

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15. Travel To go did not and does not retain or supervise any fax sender nor does it compensate any entity for sending fax advertisements. At no time in the course of its business has Travel To Go itself sent or caused to be sent facsimile advertisements to anyone, much less to recipients in the State of Utah.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of August 2004, at San Diego, California.



JEANETTE BUNN