

believed that Concentra was responsible for advertising the memory pill and that Concentra is either the source of the product, or affiliated or related thereto.

5. The communication received by consumers and the public has been universally negative towards Concentra and indicates significant harm to the company and its reputation and goodwill. For example, one customer wrote "As a healthcare executive who oversees organizations that make literally thousands of referrals for OT/PT a year, I can tell you that so long as you continue to advertise on Rush Limbaugh's show, your facilities will receive absolutely no referrals from me or any of the entities I manage. . . . I have made my position known throughout the healthcare community and I assure you that your continued support of such insanity will negatively impact your bottom-line."
6. I have personally responded to 30 – 40 emails from customers and the public from all around the country, including a customer from Kentucky indicating "I will stop using your services".
7. Concentra has made efforts to mitigate the damage being caused by the use and advertisement of Concentra for memory pills. I have personally contacted the Account Executive at station WABC representing the "Concentra" memory pill account and obtained the contact information for the sponsor of the ad, Preval. I placed a call to the Chief Financial Officer of Preval and left a message about Concentra's concern. I have not received a return phone call from Preval. I have also spoken with representatives of websites who have perpetuated the confusion in an attempt to clarify that Concentra is not selling or advertising memory pills. Concentra has also placed a notice on its website at www.concentra.com that it does not place ads on national radio programs and that the company did not run the ad on the Rush Limbaugh show.

8. Despite these efforts, we continue to receive communications indicating confusion. One customer wrote after the above referenced notice was placed on the website "If you don't place national radio ads why were your ads on Rush on Monday? Maybe you had better talk to whoever handles your ads."
9. As a marketing professional, I believe that the confusion caused by the use of Concentra for memory pills and the high profile advertising of this product has caused irreparable harm to Concentra and its parent company, Humana Inc.
10. I have read the Verified Complaint accompanying this Declaration and state that the facts set forth therein are true and correct upon my knowledge information and belief.

I state that the above is true and correct upon my knowledge, information and belief.


Nancy Buttyan

Date: 3-7-12