

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHRISTINE VARAD,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 06 CA 11370 MLW
v.	)	
	)	
REED ELSEVIER INCORPORATED,	)	
d/b/a/ Lexis Nexis Corporation,	)	
Lexis Nexis Accurint,	)	
	)	
Defendant.	)	

**SECOND AFFIDAVIT OF JOHN M. BYRNE**

I, John M. Byrne, hereby depose and state as follows:

1. I am Director and Senior Corporate Counsel for Seisint, Inc. ("Seisint"), and make this affidavit based on my personal knowledge.

2. Seisint is a provider of information management products and services. As part of its portfolio, Seisint owns Accurint, a service and database of information that provides identity validation and verification.

3. In early 2006, Seisint received a request from its customer, Gall & Gall Company, Inc. ("Gall & Gall"), to provide identification verification information for Ms. Christine M. Varad.

4. In response to Gall & Gall's request, Seisint provided Gall & Gall with identity verification information from its Accurint database regarding Christine Varad, which consisted of name, current and prior address information, date of birth, partially masked social security number, and possibly telephone number information. Seisint did not provide Gall & Gall any other information concerning Ms. Varad.

5. In April 2006 Ms. Varad contacted Seisint, claiming that certain address information that was provided to Gall & Gall from Seisint's Accurint database was incorrect.

6. In response to her inquiry, Seisint requested that Ms. Varad fill out a form specifying the information she claimed was incorrect, in order that Seisint could attempt to provide her with the source of the information she disputed. A true and accurate copy of Seisint's April 20, 2006 letter to Ms. Varad is attached hereto as Exhibit A.

7. Seisint subsequently determined that the disputed address information was provided to Seisint by one or more of the three national credit reporting agencies (Equifax, Experian and Trans Union). Seisint informed Ms. Varad of this fact in a letter to her dated May 23, 2006, as well as provided her with the contact information for each of the credit reporting agencies. A true and accurate copy of Seisint's May 23, 2006 letter is attached hereto as Exhibit B.

8. Seisint urged Ms. Varad to contact these agencies and correct the disputed information, as Seisint could not change such information. See Exhibit B.

9. Seisint also contacted Gall & Gall to audit its use of Seisint's information, because Seisint's contract with Gall & Gall precludes the use of Accurint information for purposes that fall within the purview of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* A true and accurate copy of Seisint's contract with Gall & Gall is attached hereto as Exhibit C. In fact, it is typical in the industry that customers such as Gall & Gall will request identification verification information from Seisint, and then subsequently seek background check information, including for example, criminal history information, from different sources.

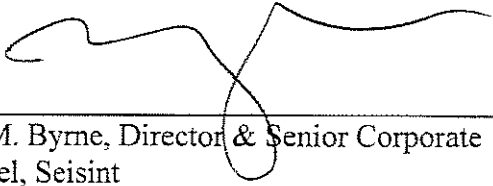
10. Seisint's audit of Gall & Gall confirmed that the information it provided to Gall & Gall about Ms. Varad was identification information only, and further that Gall & Gall used that information for verification purposes only (to determine that she was, in fact, the person she claimed to be on an employment application), and for no other purpose.

11. By letter dated June 20, 2006, Seisint informed Ms. Varad of the results of its audit of Gall & Gall. A true and accurate copy of Seisint's June 20, 2006 letter is attached hereto as Exhibit D.

12. Despite Seisint's efforts to address Ms. Varad's concerns, on June 3, 2006, Ms. Varad sent a letter to Seisint at its corporate headquarters in Boca Raton, Florida, claiming that "Lexis Nexis Accurint" violated c. 93A. A true and accurate copy of Ms. Varad's June 3, 2006 letter to Seisint is attached hereto as Exhibit E. On behalf of Seisint, I responded to Ms. Varad by letter dated June 20, 2006. See Exhibit D. Seisint's letter again urged Ms. Varad to contact the previously disclosed credit reporting agencies to correct the disputed information.

13. From April 2006 through the filing of this litigation, the correspondence regarding Ms. Varad's claims was either between Ms. Varad and Seisint, or Ms. Varad and myself, on behalf of Seisint.

Signed under the pains and penalties of perjury, this 7<sup>th</sup> day of December, 2006.

  
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John M. Byrne, Director & Senior Corporate  
Counsel, Seisint

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of December, 2006, I caused a copy of the foregoing to be served on the following by regular mail:

Christine M. Varad  
P.O. Box 583  
Milton, MA 02186

/s/ Kristin M. Cataldo  
Kristin M. Cataldo