

# EXHIBIT B

**Defendant's Response to Plaintiffs' First Interrogatory**

Subject to and without waiver of the foregoing objections, Defendant by way of response would state the following:

1. If in fact Defendant obtained any "personal information" as to any one of the Plaintiffs, its primary purpose in doing so was to fulfill its contractual and statutory obligations as an *entity acting on behalf of the Texas Education Agency in carrying out its functions*. (As permitted by the DPPA, 18 U.S.C. § 2721(b)(1) and Tex. Transp. Code § 730.007(a) 2A(ii)).

If in fact Defendant obtained any "personal information" as to any one of the Plaintiffs, its secondary purpose was for use in the normal course of its business as a licensed Driving Safety Course Provider for the State of Texas to verify the accuracy of personal information submitted by individuals to Defendant in the course of administering a Driving Safety Course to that individual on behalf of the Texas Education and if the information is not correct, to obtain the correct information, for the sole purpose of preventing fraud by that individual in the taking of Defendant's Driving Safety Course as required by TEA regulations. (As permitted by the DPPA, 18 U.S.C. § 2721(b)(3)(B) and

2. If in fact Defendant obtained any "personal information" as to any one of the Plaintiffs, the facts which Defendant relied upon in declaring its purpose for obtaining that information to the appropriate "State Motor Vehicle Records" governmental entity in and for the State of Texas were as follows:

- a.) The Texas legislature enacted legislation providing for the creation of driver safety courses in Texas, inter alia, to allow Texas drivers to take these courses as part of a deferred adjudication program for certain types of motor vehicle traffic violations. The Texas legislature specifically authorized the teaching of an "approved driving safety course by an alternative method that does not require students to be present in the classroom if the Commissioner of the Texas Education Agency approved the alternative method." (See Texas Education Code § 1001.354(b).)

- b.) The Texas Education Agency in fact promulgated regulations pertaining to the administration and delivery of approved driving safety courses by an alternative method and further provided regulations regarding qualification and application requirements for potential

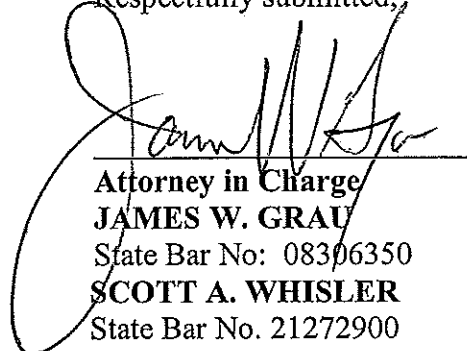
licensees seeking to administer the courses on behalf of the agency. *See generally*, 19 Tex. Admin. Code § 176.1110 (“Alternative Delivery Methods of Driving Safety Instruction.”)

c.) Defendant Continueded.com d.b.a. I Drive Safely at all times pertinent to the Plaintiffs’ inquiry has been licensed by the Texas Education Agency as an authorized Driving Safety Course Provider and has been in the business of providing driver safety courses to Texas drivers.

d.) The Texas Education Agency has determined that licensed Driving Safety Course Providers such as Defendant are qualified purchasers of “Personal Information” from “State Motor Vehicle Records” repositories in the State of Texas.

e.) Defendant’s obtainment of “personal information” to “verify the accuracy of “personal information submitted by” potential students is specifically authorized by both federal and state statutes and effectively mandated by regulations imposed by the Commissioner of Education relating to the administration of the “driving safety course” authorized by the Texas legislature. (18 U.S.C. § 2721(b)(3); Tex. Transp. Code § 730.007(a); 19 Tex. Admin. Code § 176.1110).

Respectfully submitted,



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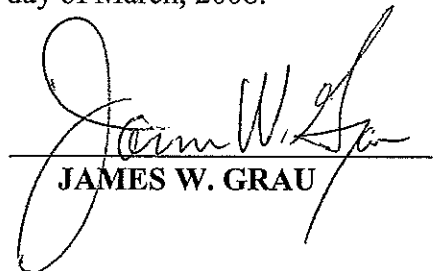
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**CERTIFICATE OF SERVICE**

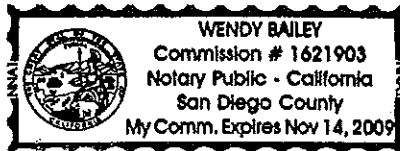
I certify that a true and correct copy of the above and foregoing document has been provided to counsel for Plaintiffs via hand-delivery and via electronic mail to all known counsel of record for the Defendants on the 28<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
**JAMES W. GRAU**



State of California  
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 26<sup>TH</sup>  
day of March, 2008, by Rick Andrew Hernandez,  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature Wendy A. Bailey