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THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CAROLYN ANDERSON,

Plaintiff,

v.

DOMINO'S PIZZA INC., DOMINO'S  
PIZZA, LLC, FOUR OUR FAMILIES,  
INC., and CALL-EM-ALL, INC.,

Defendants.

NO. C11-00902 RBL

**JOINT DECLARATION OF ROB  
WILLIAMSON AND KIM  
WILLIAMS IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
CERTIFICATION OF CLASS**

NOTED ON MOTION CALENDAR:  
JANUARY 13, 2012

Rob Williamson and Kim Williamson hereby declare as follows:

1. We are the attorneys for Plaintiff Carolyn Anderson.
2. Attached hereto as Exhibit 1 is the Answer of Defendant Four Our Families, Inc.'s ("FOFI") to No. 2 of Plaintiff's First Interrogatories and Requests for Production.
3. Attached hereto as Exhibit 2 is FOFI's Answer to Interrogatory No. 24 of Plaintiff's Second Interrogatories and Requests for Production.
4. Attached hereto as Exhibit 3 is page 8 of Domino's 10-K filed with the Securities and Exchange Commission, effective January 2, 2011.

JOINT DECLARATION OF ROB  
WILLIAMSON AND KIM WILLIAMS IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
CERTIFICATION OF CLASS - 1  
(Case No. 2:09-cv-00491-RSL)

**WILLIAMSON  
& WILLIAMS** 17253 AGATE STREET NE  
BAJNRIDGE ISLAND, WA 98110  
(206) 780-4447  
(206) 780-5557 (FAX)  
www.williamslaw.com



1           5.       Attached hereto as Exhibit 4 are Call-Em-All-documents CAE12120-3 produced  
2 in response to Plaintiff's First Interrogatories and Requests for Production.

3           6.       Attached hereto as Exhibit 5 are excerpts from the deposition of Michael Brown,  
4 the owner of FOFL.

5           7.       Attached hereto as Exhibit 6 are excerpts from the deposition of Scott Senne, an  
6 employee of Domino's.

7           8.       Attached hereto as Exhibit 7 is FOFL's Answer to Interrogatory No. 4 of  
8 Plaintiff's Second Interrogatories and Requests for Production.wq

9           9.       Attached hereto as Exhibit 8 is the Response of Domino's to Plaintiff's Request  
10 for Production No. 17.

11           10.      Attached hereto as Exhibit 9 is FOFL's Answer to Interrogatory No. 17.

12           11.      The script referenced in Plaintiff's Motion (p.2) was provided informally by  
13 FOFL's counsel on a disk and has been transcribed by our office.

14           11.      Williamson and Williams is a two person law firm founded in 1998 and was  
15 originally in Seattle, Washington, moving to Bainbridge Island in 2008. Partners Rob  
16 Williamson & Kim Williams have practiced law in the civil litigation arena in the State of  
17 Washington for 29 years and 32 years respectively. Our practice has involved representing  
18 individuals in personal injury matters, including maritime and railroad injury cases, as well as  
19 product liability, employment and real estate matters. We have also represented individuals in  
20 matters assigned to the Multi-District Litigation process in the Latex Glove litigation in which  
21 our firm was lead counsel in Washington State, and the Vioxx litigation. We have represented  
22 over 150 workers in the engine department of the Washington State Ferries for hearing loss.

23           12.      In the last several years, our practice has focused on complex civil and  
24 commercial class action litigation with an emphasis on consumer protection, primarily

1 involving claims against banks and loan servicers for fees charged when consumers pay off  
2 their home loans, and actions under the Telephone Consumer Protection Act and its  
3 Washington State equivalent, involving junk faxing, robo-calling and solicitation text messages  
4 and actions for unpaid overtime. We have extensive experience in class and collective actions,  
5 and other complex matters. We have been appointed lead or co-lead class counsel in numerous  
6 cases at both the state and federal level.

7  
8 13. Ms. Williams received her B.A. from Whitman College and her J.D. from the  
9 Willamette University School of Law. Mr. Williamson received his B.A. from Princeton  
10 University and his J.D. from the Harvard Law School.

11 14. Williamson and Williams is currently litigating or has recently settled the  
12 following consumer protection class actions, among others:

- 13 • *Hicks v. Citigroup*, filed in 2011 on behalf of consumers who receive  
14 voluminous numbers of automated, pre-recorded collection phone calls  
15 on their personal cell phones in violation of the TCPA, the Fair Debt  
16 Collection Practices Act (FDCPA) and state law.
- 17 • *Kwan, Reasonover and Brown v. Clearwire*, filed in 2009 on behalf of  
18 consumers who receive voluminous numbers of automated, pre-  
19 recorded collection phone calls on their personal cell phones in violation  
20 of the TCPA, the Fair Debt Collection Practices Act (FDCPA) and state law.
- 21 • *Maclean v. Intuit*, filed in 2009 on behalf of consumers who received  
22 voluminous numbers of automated, pre-recorded solicitation phone calls  
23 in violation of the TCPA and state law.
- 24 • *Chesbro v. Best Buy*, filed in 2010 on behalf of consumers who received  
25 voluminous numbers of automated, pre-recorded solicitation phone calls  
26 in violation of the TCPA and state and federal law.
- *Clark and Assing v. Payless Shoe Source*, filed in 2009 on behalf of  
consumers who received voluminous numbers of automated, pre-  
recorded solicitation phone calls in violation of state and federal law.
- *Hovila v. Tween Brands, Inc.*, filed in 2009 on behalf of consumers who  
received voluminous numbers of automated, pre-recorded solicitation  
phone calls in violation of state and federal law.

- 1 • ***Cabbage v. Talbots, Inc.*** filed in 2009 on behalf of consumers who  
2 received voluminous numbers of automated, pre-recorded solicitation  
3 phone calls in violation of state and federal law.
- 4 • ***Palmer v. Sprint*** filed in 2009 on behalf of consumers who received  
5 voluminous numbers of automated, pre-recorded solicitation phone calls  
6 to their cellular and residential telephones in violation of the TCPA and  
7 state law.
- 8 • ***Meilleur v. AT&T*** filed in 2011 on behalf of consumers who received  
9 automated, pre-recorded phone calls made for purposes of commercial  
10 solicitation in violation of the TCPA and state and federal law.
- 11 • ***Baron & Hovila v. Direct Capital*** filed in 2009 on behalf of consumers  
12 who received voluminous numbers of automated, pre-recorded  
13 solicitation phone calls in violation of state and federal law.
- 14 • ***Hartman v. Capital for Merchants*** filed in 2009 on behalf of consumers  
15 who received voluminous numbers of automated, pre-recorded  
16 solicitation phone calls in violation of state and federal law.
- 17 • ***Maclean v. Stellar Concepts*** filed in 2009 on behalf of consumers who  
18 received voluminous numbers of automated, pre-recorded solicitation  
19 phone calls in violation of state and federal law.
- 20 • ***Gardner v. Capital Advance Solutions*** filed in 2009 on behalf of  
21 consumers who received voluminous numbers of automated, pre-  
22 recorded solicitation phone calls in violation of state and federal law.
- 23 • ***Hartman & Hodgins v. United Bank Card*** filed in 2010 on behalf of  
24 consumers who received voluminous numbers of automated, pre-  
25 recorded solicitation phone calls in violation of state and federal law.
- 26 • ***Gardner v. US Merchant Systems*** filed in 2011 on behalf of consumers  
who received voluminous numbers of automated, pre-recorded  
solicitation phone calls in violation of state and federal law.
- ***Hardie v. Countrywide*** filed in 2008 on behalf of consumers who were  
charged illegal fees by their lender or servicer when they either sold or  
refinanced their homes.

15. In addition to our consumer protection class action practice, we have litigated the following wage and hour class actions:

- ***MacKenzie et al. v. Preston Gates & Ellis*** filed in 2002

- *Hill, et al. v. Aramark Uniform* filed in 2001
- *Lapping v. American Cabulance* filed in 2007
- *Pinget et al. v. Dreyers Grand Ice Cream* filed in 2002

We declare under penalty of perjury of the laws of the State of Washington that the foregoing statements are true and correct.

Dated: December 22, 2011 on Bainbridge Island, Washington.

WILLIAMSON & WILLIAMS

s/RobWilliamson

Rob Williamson

s/Kim Williamson

Kim Williams

17253 Agate Street NE

Telephone: (206) 780-4447

Fax: (206) 780-5557

Email: [roblin@williamslaw.com](mailto:roblin@williamslaw.com)

*Attorneys for Plaintiff and the Proposed Class*

EXHIBIT 1

**INTERROGATORY NO. 2:** With respect to the calls: (a) identify the sources of the phone numbers to whom the calls were made, (b) describe the manner in which the list of phone numbers was compiled, and (c) identify the personnel who compiled the numbers.

**ANSWER**

All telephone numbers are obtained from our customers who call to order pizzas and who maintain a business relationship with their local Domino's Pizza Franchise. The numbers are compiled by all personnel of Four Our Families, Inc., who enter telephone numbers into our database.

**INTERROGATORY NO. 3:** With respect to the calls, please state: (a) the number placed (b) the person(s) and/or entities responsible for placing them, (c) the dates the calls were placed, (d) the identify of the person(s) and/or entities called (e) the number that were answered by a person (versus a voicemail or other answering system), and provide the identifies of those persons, (f) the identify (number/s) of all outgoing telephone lines (including the area code) which were used in transmitting the calls, and (g) the identity of the telephone companies, carriers, vendors, and/or agents which were used to place the calls.

**ANSWER:**

- a. Unknown as to the actual number of calls made by Call-em-all.com.
- b. Call-em-all.com was the entity with whom FOFI contracted to make call.
- c. The dates upon which calls were made is unknown by this defendant.
- d. The names of all the customers with whom a business relationship is maintained and to whom a call was placed is not precisely known.
- e. Unknown.
- f. To the extent this sub-question is understood, the numbers of the outgoing

EXHIBIT 2



1 **INTERROGATORIES**

2 **INTERROGATORY NO. 24:** Describe how you developed the databases of  
3 customer telephone numbers that were then used for the calls at issue in this case.

4 **ANSWER:**

5 In so far as "you" refers to Mr. Mike Brown as the representative of Four Our  
6 Families, Inc., Defendant answers as follows:

7 See Deposition Testimony, Brown 36-37, 62, 64.

8 Mr. Brown retrieved the customer telephone numbers to form the database from the  
9 computer operating system Dominos franchisees utilize. The operating system is called  
10 "Pulse". See Interrogatory No. 25 for more information regarding Pulse.

11 Mr. Brown received instructions from Call-Em-All that allowed him to retrieve  
12 customer telephone numbers from the computer operating system to form the database. He  
13 entered search criteria for customers that had ordered within a specific time frame. He  
14 selected search criteria of customers that had ordered within six months to one year.

15 Pulse only allowed selection of customers that previously ordered from the store in  
16 the preceding 12 months. Information is automatically defaulted to purge after one year,  
17 therefore, the database information was limited.

18 **INTERROGATORY NO. 25:** Describe the PULSE program and your use of it.

19 **ANSWER:**

20 Pulse is a computerized management information system designed to improve  
21 operating efficiencies, provide corporate management with timely access to financial and  
22 marketing data, and helps reduce administrative time and expense. PULSE is point-of-sale  
23 system, and is installed in each FOFI store. While Mr. Brown does not consider himself well  
24 versed in the technology of PULSE he has knowledge of the capabilities he utilizes for FOFI  
25 benefit. Some of PULSE's features include:

- 26 • touch screen ordering, which improves accuracy and facilitates more efficient order taking;
- a delivery driver routing system, which improves delivery efficiency;
- improved administrative and reporting capabilities, which enable store managers to better focus on store operations and customer satisfaction; and
- enhanced online ordering capability, including Pizza Tracker which was introduced in 2007.

Defendant FOFI's Answers to Plaintiff's Second Set  
of Interrogatories- 4 of 10  
(11-00902)  
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rogs.doc

FAUBION, REEDER, FRALEY, & COOK, P.S.  
5920 100<sup>th</sup> St. SW #25  
Lakewood, WA 98499  
(253) 581-0660

**EXHIBIT 3**

### *Domino's PULSE™ point-of-sale system*

Our computerized management information systems are designed to improve operating efficiencies, provide corporate management with timely access to financial and marketing data and reduce store and corporate administrative time and expense. We have installed Domino's PULSE™, our proprietary point-of-sale system, in every Company-owned store in the United States and in substantially all of our domestic franchise stores. Domino's PULSE™ features include:

- touch screen ordering, which ensures accuracy and facilitates more efficient order taking;
- a delivery driver routing system, which ensures delivery efficiency;
- administrative and reporting capabilities, which enable store managers to better focus on store operations and customer satisfaction; and
- state-of-the-art online ordering capability, including Pizza Tracker and Pizza Builder.

Management also believes that utilizing Domino's PULSE™ throughout our domestic system, and a growing portion of our global system, provides us with competitive advantages over other point-of-sales systems, including:

- consistent execution and communication of operational best practices in our stores;
- real-time dissemination of data with field management, which enables efficient and informed decision making;
- data collection capability, which provides senior management insight into store operations;
- innovation sharing throughout the system, which allows all users to be more efficient and profitable; and
- electronic dissemination of materials and information to our stores, which reduces training and operating costs.

Since the rollout of Domino's PULSE™ to our domestic stores, our online ordering transactions have grown. Currently, on average, nearly 25% of our domestic stores' sales originate online. In 2010, we made the strategic decision to develop our own online ordering platform and manage this important and growing area of our business internally. Recent industry data indicates that we have the largest share of online sales in the U.S. QSR pizza category. Additionally, we estimate that the Domino's Pizza system is one of the largest on-line retailers in the U.S. in terms of the number of transactions. We intend to continue to enhance and grow our online ordering capabilities.

We require our domestic franchisees to install and maintain Domino's PULSE™. Additionally, Domino's PULSE™ has been installed in nearly 1,600 international franchise stores.

EXHIBIT 4







Account ID	Create Timestamp	Username	First Name	Last Name	Email	Phone Context	Terms of Use Agree Timestamp	Terms of Use Agree	Indicated via Sales Calls
109566	5/26/09 2:22 PM	2534688557	Mike	Brown	MBrown8582@aol.com	2534688557	6/2/09 8:08 PM	6/2/09 8:25 PM	Yes
225738	5/24/11 10:50 AM	9911991199	Mike	Brown	FOF@call-em-all.com	2534688557	5/24/11 10:50 AM	5/24/11 11:58 AM	No

CONFIDENTIAL

CEA012123



EXHIBIT 5

1 that's kept, all the meeting minutes are kept and  
 2 everything, and then after the meeting's over, they'll  
 3 e-mail them to us so we can keep them on record and all  
 4 that.  
 5 Q. Okay. And about two years ago there was a shift  
 6 where more money went to national, but you all could still  
 7 do it locally, and you all, at least in this area, have  
 8 decided to do that, is that correct?  
 9 A. Yes.  
 10 Q. And the co-op, is it still called a co-op, or is  
 11 it now just an association of --  
 12 A. No, it's a co-op, yeah, Seattle DMA.  
 13 Q. Seattle DMA, okay.  
 14 And the Seattle DMA now interfaces with a  
 15 marketing representative that Domino's has appointed?  
 16 A. Yes.  
 17 Q. Okay. And who is that marketing representative?  
 18 A. Natalie Hayden.  
 19 Q. And where is -- H-A-Y-D-E-N?  
 20 A. Yeah, perfect.  
 21 Q. And where does Ms. Hayden operate?  
 22 A. She is out of Denver, Colorado.  
 23 Q. Okay. To your knowledge, does she deal with  
 24 other similar co-ops in the west?  
 25 A. Yes.

1 Q. All right. And does your co-op have an annual  
 2 or other kind of meeting with her where a decision is made  
 3 about how to allocate advertising funds for the ensuing 12  
 4 months?  
 5 A. About three times a year.  
 6 Q. Okay. So, there can be adjustments?  
 7 A. Yes, we do conference calls if we have to do an  
 8 adjustment and vote over the phone, or we have fax where we  
 9 can fax in our vote.  
 10 Q. Okay. And in the last two years or so, whenever  
 11 this person Ms. Hayden's been in place, has the marketing  
 12 that the co-op's done always been some sort of -- always  
 13 been either radio or television, or has there been other  
 14 kind of local marketing?  
 15 A. Print.  
 16 Q. Print, all right.  
 17 A. Like the junk mail thing I told you you get  
 18 every Tuesday.  
 19 Q. Sure.  
 20 MR. SODERLAND: Just for clarification, is that  
 21 only print, or is it print, radio, and TV?  
 22 THE WITNESS: We're only doing print the last  
 23 three years I would believe --  
 24 MR. SODERLAND: Okay.  
 25 THE WITNESS: -- on this plan that we've been

1 doing.  
 2 MR. WILLIAMSON: This is my deposition.  
 3 MR. SODERLAND: I understand that.  
 4 MR. WILLIAMSON: If you do this again, there's  
 5 going to be a consequence.  
 6 MR. SODERLAND: Yeah, I'm trembling, Rob.  
 7 MR. WILLIAMSON: This is very serious, as you  
 8 can imagine.  
 9 Q. So, even before Ms. Hayden was involved, the  
 10 advertising that your co-op had done locally was always  
 11 print, or at least the last three years was print?  
 12 A. Yeah, yeah.  
 13 Q. Okay.  
 14 A. We used to do some radio and stuff, but we  
 15 haven't done it in a while.  
 16 Q. Okay. Have you ever talked with Ms. Hayden  
 17 about marketing other than print, like phone calls, or  
 18 direct mails, or anything like that?  
 19 A. Not that I remember.  
 20 Q. Okay. Did there come a time when you learned  
 21 about the notion of making these automated calls as a form  
 22 of marketing?  
 23 A. Yeah.  
 24 Q. And when did you learn about that?  
 25 A. May of 2009.

1 Q. Okay. And how did you learn about it?  
 2 A. I was at a worldwide rally for Domino's Pizza in  
 3 May of 2009.  
 4 Q. Is that an event that's held annually or  
 5 otherwise?  
 6 A. It's usually every two years.  
 7 Q. Okay. Where was it held?  
 8 A. Vegas.  
 9 Q. Who sponsored it?  
 10 A. Domino's Pizza.  
 11 Q. And are there other events that you go to as a  
 12 franchisee on a regular basis that deal with -- well, how  
 13 do I want to put it? Are there conventions or events that  
 14 you go to beyond the local co-op meetings?  
 15 A. No, usually if it's involving me personally,  
 16 I've only gone to either the rally or just my local DMA  
 17 meetings.  
 18 Q. Okay. Are you aware of other national or  
 19 regional --  
 20 A. Yeah, they do some stuff. They have a thing, a  
 21 Campus Palooza, where franchisees come in, and it's  
 22 something to attack college markets, to have a meeting and  
 23 share ideas and stuff with stores that have -- that are  
 24 specific campus stores for colleges. I don't go to that.  
 25 I only have two small colleges down here in Tacoma, so I

1 don't think it's worth my time for the expense and all  
2 that.  
3 Q. Okay.  
4 A. So, you know, as far as marketing goes, but I  
5 can't think of really anything else that's a specific type  
6 of marketing meeting other than that.  
7 Q. Okay. Are there other just meetings of  
8 franchisees, whether they're marketing-oriented or not, you  
9 know, annual conventions of franchisees or something like  
10 that?  
11 A. The rally is the big convention.  
12 Q. Okay.  
13 A. The only --  
14 Q. And that's every other year?  
15 A. Yes.  
16 Q. Okay. Have you attended more than one?  
17 A. Since then?  
18 Q. No, since you became a franchisee?  
19 A. Oh, I've been attending them since the late  
20 '80s.  
21 Q. Oh, okay. And in the May 2009 rally,  
22 something -- the issue of making these automated calls came  
23 up in some way, is that correct?  
24 A. Uh-huh.  
25 Q. What happened?

1 A. There was -- I went to the vendor show that they  
2 have in the evening --  
3 Q. Right.  
4 A. -- and I was walking around, and seen this  
5 vendor, and looked at their stuff, and thought well, this  
6 is a unique different way of doing some marketing, and got  
7 their information.  
8 Q. Okay. I'm trying to picture it. Is it like  
9 literally a booth or tables?  
10 A. Yeah, right, like if you go to something at the  
11 Seattle Convention Center, and you go to some sort of show  
12 up there, and they've got little booths set up.  
13 Q. Okay. And I gather one of them was for -- what  
14 is it? I keep forgetting their name.  
15 A. Call-Em-All.  
16 Q. Call-Em-All?  
17 A. Yes.  
18 Q. Did you notice that there were other vendors  
19 that offered the same type of service that Call-Em-All did?  
20 A. I don't remember. I don't remember seeing  
21 anybody else.  
22 Q. Okay. So, you go to their booth, and you talk  
23 to somebody, maybe you read some materials about it; is  
24 that what happened?  
25 A. Yeah.

1 Q. All right. You don't remember who you talked  
2 to, do you?  
3 A. No.  
4 Q. Okay. Did you leave with some pamphlets or  
5 some --  
6 A. Yeah.  
7 Q. All right. Do you still have those?  
8 A. No.  
9 Q. Okay. What was it, after talking to the person,  
10 you kind of understood the service was that they could  
11 provide?  
12 A. Uh-huh.  
13 Q. What was it?  
14 A. That you could download phone numbers into their  
15 system, and that it would automatically call customers.  
16 Q. Okay. Did anyone at Call-Em-All, at the meeting  
17 where when you saw them in Vegas or otherwise, ever talk to  
18 you about whether there were any legal issues concerning  
19 these calls?  
20 A. I don't remember them saying anything to me  
21 about that.  
22 Q. Okay. And you didn't ask?  
23 A. No.  
24 Q. All right. I didn't ask that to sound critical,  
25 I mean, sometimes people will ask and they'll be told yes

1 or no, but if it didn't come up, that's fine.  
2 Okay. So, and did you understand that the  
3 charges from Call-Em-All would be based on the number of  
4 calls made --  
5 A. Yes.  
6 Q. -- is that their structure?  
7 Okay. Was there some understanding about what  
8 the script of the calls would be, what would actually be  
9 said on the calls, that you would invent it, or they would  
10 help you create it, or do you remember anything about that?  
11 A. On that May -- in May of 2000?  
12 Q. Sure.  
13 A. I don't remember that --  
14 Q. All right.  
15 A. -- no, too detailed for my small brain.  
16 Q. At some point --  
17 MR. NELSON: Give yourself some credit.  
18 THE WITNESS: Yeah.  
19 MR. WILLIAMSON: No, no, other than Dave, we all  
20 have small brains here, and his is whatever the next word  
21 lower is, but --  
22 MR. SODERLAND: Minuscule.  
23 MR. WILLIAMSON: Minuscule.  
24 Q. At some point, though, did you decide to use  
25 this program?

1 A. Yeah.  
 2 Q. All right. And so then you had contact with  
 3 some -- renewed contact with somebody at Call-Em-All, or  
 4 was it just a matter of going on their web site?  
 5 A. You can go right onto their web site and sign  
 6 up, anybody can.  
 7 Q. Okay. And the process, as I understand it,  
 8 would be in part that you would download phone numbers that  
 9 you wanted to be called, is that right?  
 10 A. Correct.  
 11 Q. Okay. What about did you have to download or  
 12 type in the script of what you wanted the call to say?  
 13 A. Yes.  
 14 Q. Okay. And when did you first start having these  
 15 calls made on your behalf, roughly?  
 16 A. I believe in June of 2009.  
 17 Q. All right. And how long did you do that?  
 18 A. Up until about August 30th or 31st.  
 19 Q. Of 2009?  
 20 A. Yes.  
 21 Q. Okay. And why did you stop after that?  
 22 A. Because they changed the federal law that you  
 23 had to have a written permission from the customer to be  
 24 called, so --  
 25 Q. How did you -- sorry.

1 A. From them. They e-mailed me in August and said  
 2 the laws are changing on September 1st, and they even  
 3 advertised that we can help you with getting these forms,  
 4 and I just looked at it and said that's way too much work  
 5 for all my customers to get written permission to be able  
 6 to call it, so I just said I'm not going to do it anymore  
 7 after that point.  
 8 Q. Okay. Did you ever have -- did you ever believe  
 9 that the marketing this way was helpful? Did you have any  
 10 sense that it improved sales or not?  
 11 A. Oh, yes, it did.  
 12 Q. Oh, okay. So, when you would go online -- when  
 13 you went on -- excuse me, went online initially to do this,  
 14 was there some portion of their web page where you had to,  
 15 in effect, sign a contract, where you had to click "I  
 16 agree," or somehow there was something that went that --  
 17 that you had to do?  
 18 A. Yeah, I believe there was.  
 19 Q. But nothing sent to you? You don't have any  
 20 papers, do you, from them?  
 21 A. No.  
 22 Q. All right. And do you recall -- so, initially  
 23 to do it you would need to download telephone numbers, is  
 24 that right?  
 25 A. To them, yes.

1 Q. Okay. Do you remember roughly how big the first  
 2 download was, how many numbers?  
 3 A. I don't know. An estimate, I think I tried  
 4 5,000 calls the first time. I don't have the records in  
 5 front of me --  
 6 Q. Okay.  
 7 A. -- of what the charges were on my credit card.  
 8 Q. Okay. And was the database then that large at  
 9 that time, were there 5,000 phone numbers that you were  
 10 able to download into the system?  
 11 A. Yes.  
 12 Q. Okay. Did you have more than that and you just  
 13 limited the first download to 5,000 numbers?  
 14 A. Yeah.  
 15 Q. Okay.  
 16 A. I would do it by location of each store.  
 17 Q. Oh, all right. And how did you get those phone  
 18 numbers?  
 19 A. I downloaded them from the store.  
 20 Q. Okay. And how did the store have them?  
 21 A. From the customer calling in --  
 22 Q. Okay.  
 23 A. -- and then they would give their telephone --  
 24 we would get it on caller ID and confirm it, which is a  
 25 safety thing, and then we'd put their address in, and make

1 their pizza up, and then they're in our database at that  
 2 point.  
 3 Q. And was the database that was available kept by  
 4 each store?  
 5 A. Yes.  
 6 Q. So, you've got like six databases?  
 7 A. Yes.  
 8 Q. All right. So, do you remember -- if you don't,  
 9 that's okay -- which store's database you used for the  
 10 first call?  
 11 A. No, I don't remember that.  
 12 Q. Okay. Did you, over the course of the few  
 13 months that you did this, make calls from each of the  
 14 stores?  
 15 A. Yes.  
 16 Q. Did you sometimes do more than one store?  
 17 A. Yes.  
 18 Q. Did the script change over the six -- three  
 19 months or so you did this?  
 20 A. Yes.  
 21 Q. Okay. At any point did anyone with Call-Em-All  
 22 interface with you about you might want to change the  
 23 script to this or that, or was it always your decision?  
 24 A. My decision.  
 25 Q. Okay.

1 gather, varied?  
 2 A. Not the first part of the -- that you can opt  
 3 out.  
 4 Q. Right.  
 5 A. We always kept that the same as per their  
 6 suggestion.  
 7 Q. Okay.  
 8 A. But we changed the specials after that.  
 9 Q. Okay. Back to Las Vegas. You go to a vendor  
 10 area, and did you have some understanding, and I'll ask you  
 11 where it came from if you did, that these were vendors that  
 12 were in some way approved by Domino's?  
 13 A. Doesn't have a sign up that says that they're  
 14 approved. I can only assume that they would be or that  
 15 they're there for franchisees or stores to use.  
 16 Q. Okay. Is your understanding that this  
 17 Call-Em-All was making services available to any franchisee  
 18 in the country, that it wasn't limited to Washington?  
 19 A. That it was limited to use in --  
 20 Q. Was it your understanding this was a national  
 21 program, any franchisee in the country who was at the rally  
 22 could have --  
 23 A. I don't know that.  
 24 Q. Okay.  
 25 A. I didn't see that they said that, you know, that

1 you can't use it in Texas or anything, I don't remember  
 2 seeing or hearing of that.  
 3 Q. Did anybody that -- did the person that you saw  
 4 at Call-Em-All indicate in any way that what they did was  
 5 in some way approved by Domino's?  
 6 A. Not that I'm aware of.  
 7 Q. Okay. So, it's fair to say you just assumed  
 8 that it was in some way approved by Domino's because they  
 9 were there essentially?  
 10 A. I'm -- I don't know if I could take that  
 11 assumption or not.  
 12 Q. Okay.  
 13 A. I don't -- I don't know.  
 14 Q. All right. But you were at a rally that  
 15 Domino's itself sponsored, is that correct?  
 16 A. Yeah, I'm assuming that, that they're in control  
 17 of it.  
 18 Q. All right.  
 19 A. I would assume that if you were a vendor there  
 20 for attorney fees, that you would write the check to  
 21 Domino's Pizza for the booth, and Domino's Pizza, I'm  
 22 assuming, rented it from that hotel, the space, so I'm just  
 23 making assumptions on --  
 24 Q. Yeah.  
 25 A. Maybe Domino's hired another company that runs

1 that part, I have no idea, but I'm just assuming that they  
 2 run the show.  
 3 Q. Fair enough.  
 4 A. It's their rally, so --  
 5 Q. Okay. Does Domino's pay or reimburse you to  
 6 come to the rally?  
 7 A. No.  
 8 Q. So, they don't pay airfare, they don't pay  
 9 hotel?  
 10 A. No food.  
 11 Q. Okay.  
 12 A. The only thing that they might -- that I know  
 13 that they do is that they just do like a block out a gang  
 14 of rooms and get a special; instead of paying 189, you get  
 15 a Domino's special of 129 for a room.  
 16 Q. All right.  
 17 A. That's the only thing that they've ever helped  
 18 me on.  
 19 Q. All right. What about is there a registration  
 20 fee? Do you have to actually pay to attend the rally?  
 21 A. No. No.  
 22 Q. All right.  
 23 A. You just register online and you're in.  
 24 Q. And prior to a rally are there documents either  
 25 online or other announcements about, you know, what's going

1 to happen, and what the schedule is, and what vendors will  
 2 be available, and that sort of thing; do you remember that?  
 3 A. I know that they'll send out like what speakers  
 4 are, and what the scheduling is, and those type of things,  
 5 but I can't remember if they list the vendors or not before  
 6 it goes out.  
 7 Q. Okay. Were there, like in the vendor section,  
 8 were there like a hundred different vendors, or 30? I'm  
 9 just trying to get a feeling for how big this part of the  
 10 show was.  
 11 A. I would probably say there's 75 --  
 12 Q. Okay.  
 13 A. -- that are there.  
 14 Q. Dealing with all aspects of your business?  
 15 A. Yeah, it could be equipment, builds, you know,  
 16 marketing stuff, print material.  
 17 Q. Okay.  
 18 A. They have booth for education, you know, payroll  
 19 companies in there, all sorts of -- anything to do with  
 20 running your business.  
 21 Q. Okay. And it's fair to say that once you left,  
 22 and looked at the materials more, or thought about it more,  
 23 you then always dealt just via the Internet with  
 24 Call-Em-All?  
 25 A. Yes.

1 it true that the reports you had at one point would give us  
2 that information, but at the time perhaps when you were  
3 filling this out --

4 A. Yes.

5 Q. -- you didn't have it?

6 Okay. And it would have the dates and so forth,  
7 it just wasn't information that you had at the time, right?

8 A. Correct.

9 Q. Okay. And look to Interrogatory No. 6, which is  
10 at the bottom of the next page, I assume that my client,  
11 Ms. Anderson, at least to your knowledge, and I'm just  
12 asking this for the record, she never gave you express  
13 consent to call her that you know of, right?

14 A. No.

15 Q. All right. And for that matter, and if it  
16 sounds critical, I apologize, no one that was called had  
17 given express consent to be called, is that right?

18 A. No.

19 Q. All right. But they had given you their  
20 telephone number as part of the transaction with them, and  
21 that's how you had their number?

22 A. Yes.

23 Q. And they were all customers?

24 A. Yes..

25 Q. Okay. Okay. The databases, they're still in

1 existence?

2 A. Yes.

3 Q. And but presumably have changed since even the  
4 lawsuit was filed, right, because you're constantly putting  
5 in new people and so forth?

6 A. Yes.

7 Q. Okay. So, if I said I want to see the database  
8 that you had in June of '09, would it exist anymore?

9 A. I believe that you can go in and tell it on a  
10 search --

11 Q. Right.

12 A. -- that you could take and say what customers  
13 were active from a certain period of time.

14 Q. Okay.

15 A. So, I'm sure I could -- if I can't figure out  
16 how to do that individually, I could call and get help to  
17 probably do that.

18 Q. Well, maybe Dave might be able to do it, he's a  
19 smart guy.

20 What about if people are taken off, I assume --  
21 do you take people off your database?

22 A. I believe the machine is set up where it drops  
23 them off.

24 Q. Okay. After like three years if they haven't  
25 made a purchase --

1 A. Yeah, something like that, that they don't --

2 that it let's their numbers go and their address out of the  
3 machine.

4 Q. Okay. And the database has addresses, and phone  
5 numbers, and names, which may only be a first name, just  
6 depending on what the customer left?

7 A. Yes.

8 Q. All right.

9 A. And it would be addresses if they were  
10 deliveries. Sometimes carry-out customers come in and they  
11 don't give their address.

12 Q. Sure.

13 A. But a lot of times we ask them to get their  
14 phone number in case that there's an issue of them, you  
15 know, having a problem with their pizza. The phone number  
16 is also the reference number to bring that person's account  
17 back up and their order history and everything, so then  
18 sometimes we can tell the machine like if you came in and  
19 said, Here's my number, and then I could put it in, and you  
20 say, I just want what I had the last time, and I can pull  
21 your history up and push it through.

22 Q. Okay. So, you walk in, and I say, I want the  
23 usual --

24 A. Yep.

25 Q. -- and your person could look it up and figure

1 out -- or I could walk in and say, I want the usual but I  
2 forget what it is, and you can look it up?

3 A. Yeah, or you can say I want the order that I had  
4 three orders ago.

5 Q. Wow, that's good.

6 A. So, that's the only time there wouldn't be an  
7 address is sometimes they're carry-outs in the database.

8 Q. Right, okay. And right now people that have  
9 been -- let's say in the last three years, if anyone has  
10 been dropped from it, it would just be the mechanism you  
11 have that after a certain lack of business, they fall off  
12 it?

13 A. Uh-huh. Yes. I'm sorry.

14 Q. That's all right.

15 And some people were dropped off in the sense  
16 that they were dropped off the list for Call-Em-All because  
17 they had said don't call me, but you otherwise kept them in  
18 the database for other purposes?

19 A. Oh, yeah, yeah, they're still in there.

20 MR. WILLIAMSON: Okay. I think I'm done. Let  
21 me just look at one other thing.

22 I have no other questions. Thank you for  
23 letting me take your deposition this morning.

24 MR. SODERLAND: Mr. Brown, my name's Dave  
25 Soderland. I'm here for Domino's. I've just got a few

1 Q. You didn't at any point contact anybody with  
2 Domino's and say, you know, I'm going to use these guys, is  
3 it okay?

4 A. No.

5 Q. Nothing like that?

6 A. No.

7 Q. All right. The reports that you received would  
8 tell you in the end of the 5,000, or whatever number of  
9 calls, they actually would tell you how many got through  
10 and how many did not, is that correct?

11 A. Yes.

12 Q. Okay. And I'm just imagining that if I -- if  
13 somebody did 5,000 calls, that some number of those would  
14 go to voice mail, and you told me that if that happened,  
15 they would not connect, as it were, is that right?

16 A. Yeah.

17 Q. Okay. So, what if after a second or third try  
18 it was still just voice mail, would the report then reflect  
19 that there were a certain number of calls that couldn't get  
20 through because they kept going into voice mail?

21 A. I believe so.

22 Q. Okay. And whether you paid for those or not, do  
23 you recall?

24 A. I don't think you pay for a call that didn't get  
25 answered.

1 materials that were attached to your discovery responses,  
2 and is it correct that's all you have, there's nothing  
3 else?

4 A. As far as?

5 Q. Well, if you read the second page, it says bring  
6 all documents related to any Four Our Families marketing  
7 from January 2006 forward, telemarketing?

8 A. I don't have any documents with me.

9 Q. Right, but you were supposed to bring them.

10 A. Yes.

11 Q. And you didn't bring any?

12 A. No, I did not.

13 Q. But my question is, do you know -- I'll tell you  
14 what, let me show you something that you gave us in the  
15 discovery, which is Exhibit-5. This is -- these are  
16 documents that your attorney gave to us in response to  
17 discovery requests that we made.

18 A. Yep.

19 Q. And if you thumb through, I'm sure you've looked  
20 at it before, but basically are you aware of any other  
21 documents that relate to this using Call-Em-All besides --

22 A. Not that I have access to right now.

23 Q. What's that mean?

24 A. I have called Call-Em-All to try and -- when I  
25 go log into my account now, it won't show me all the

1 Q. Okay. And the policy of Call-Em-All was, at  
2 least the one you directed them to use, was that I don't  
3 want robocall or these prerecorded calls going into voice  
4 mail, I want them only played, as it were, if somebody  
5 answered?

6 A. I didn't direct them, that's just how the system  
7 was set up.

8 Q. That's how they did it?

9 A. Yeah.

10 Q. Okay. Because I don't know whether if you had a  
11 choice --

12 A. Yeah.

13 Q. -- where you could say, you know, I want them to  
14 go into voice mail or not; do you remember if you had that  
15 choice?

16 A. No.

17 Q. Okay. I'm going to show you what's Exhibit-1  
18 just for a moment, which is the -- this is the subpoena  
19 about your coming to this today. Have you seen that  
20 before?

21 A. Yeah.

22 Q. All right.

23 A. Yes.

24 Q. It asked you to bring any documents that you had  
25 related to this campaign, and I've been given some

1 specific numbers that have been called, so when I go -- I  
2 called them up and said hey, I want to -- why are these  
3 reports not here anymore? They said that they have to be  
4 unarchived. So, I've called them over the summer three or  
5 four times to open up these files, and I even went in last  
6 night and tried to see if they were opened up, and it  
7 won't -- whatever date range I put in for the reports, it  
8 won't open them up. So, this is -- this right here, what  
9 I'm giving you, this is what it allowed me to pull off.

10 Q. Okay.

11 A. I can pull it off right now. And Nelson has all  
12 the information to get into the account if you want to --  
13 you know, if he wants to follow up with you to show you  
14 that I'm not making anything up.

15 Q. No, I'm sure you're not.

16 A. So --

17 Q. Now, have you talked to anybody at Call-Em-All  
18 about why can't I get the full reports?

19 A. Yeah, I've talked to like three people.

20 Q. Okay.

21 A. I have the names wrote down, so --

22 Q. Do they indicate that while it might be a  
23 hassle, they could actually get the phone numbers called at  
24 some point?

25 A. Yeah, they told me that they're archived in

EXHIBIT 6



1 A. No, I don't.

2 Q. Would it be fair to say that that would have been the first

3 time a vendor offering that service asked to have a booth?

4 A. It would be fair, yes.

5 Q. Would it be an unusual, new idea that you would have vetted

6 with someone or another?

7 A. No. I know it's something that Domino's doesn't do. I'm

8 pretty sure it's something that Domino's doesn't do. So --

9 Q. Did you have any contact with anyone at Call-Em-All about them

10 appearing at the expo other than perhaps getting their form,

11 looking it over?

12 A. No.

13 Q. Did you ever have any contact with anyone there during the

14 expo, go to their booth, talk to somebody, that sort of thing?

15 A. My normal process is thanking them for attending, introducing

16 myself, face-to-face, wish them good luck and have a good

17 show. So I would have probably met with the folk or the

18 folks. I don't recall who would have been in the booth.

19 Q. And I don't fault this at all. You don't recall specifically

20 going to the Call-Em-All booth, but that would have been your

21 practice; is that correct?

22 A. That would've been my practice.

23 Q. Was there ever any contact with Call-Em-All after the

24 convention?

25 A. No.

1 Q. And --

2 A. I beg your pardon. Since they attended in 2009, we would have

3 invited them for the next show.

4 Q. And they did not appear, as I understand it?

5 A. They did not respond.

6 Q. Okay. So they would've gotten an email like others that just

7 invited them to come or not?

8 A. At the time, we were mailing, so they would have received the

9 mailing, yes.

10 Q. Is it fair to say that you didn't know, in any specifics, what

11 the business of Call-Em-All was and what specifically they

12 were offering to people?

13 A. That's fair.

14 Q. Would you have known that once and you've just forgotten since

15 or --

16 A. That's possible too. Yes.

17 Q. So you basically don't have any memory any better than

18 Soderland's; right?

19 A. No.

20 MR. SODERLAND: Which is always -- which is not very

21 good.

22 A. So many shows and so many vendors that, no, I'm sorry.

23 BY MR. WILLIAMSON:

24 Q. I understand. Is there anything that you recall about

25 Call-Em-All that flags something for you where you thought I

1 better check it with anybody?

2 A. No. No.

3 Q. You don't. Okay. I didn't ask that very well.

4 Do you recall that you flagged that you were

5 concerned and you did follow up or is it, as far as you know,

6 you did not?

7 A. I know I did not follow up. Nothing flagged me.

8 Q. It was unusual but nothing to the extent that you felt you

9 needed to follow up with anyone?

10 A. Correct.

11 MR. WILLIAMSON: All right. That's all I have. I

12 can ask you more if you want.

13 THE WITNESS: As long as you got what you wanted,

14 I'm fine.

15 MR. SODERLAND: Scott, now the attorneys on the

16 phone will have a chance to ask you questions.

17 THE WITNESS: Okay.

18 MR. SODERLAND: Nicole, do you want to go first?

19 MS. BROWN: Sure.

20 EXAMINATION

21 BY MS. BROWN:

22 Q. Hi, Scott. My name's Nicole Brown. I'm the attorney for Four

23 Our Families, Inc., and the franchisee, Mike Brown.

24 A. Hi.

25 Q. A couple questions about the rally. Does Domino's Pizza

1 endorse the vendors at the rally?

2 A. No, we don't, Nicole. We assume that since they've been there

3 before and we're asked to have people invite, then it's

4 assumed that they can attend.

5 Q. Okay. And do the vendors typically pass out materials?

6 A. Typically some do, some don't. I've seen them with flyers.

7 I've seen them with business cards.

8 Q. And do you or someone with Domino's Pizza review those

9 materials prior to that?

10 A. We will look at them if they have the Domino's logo on them to

11 ensure that the brand is being presented correctly; but other

12 than that, not necessarily.

13 Q. Just that the logo and brand is correct or that the message --

14 I mean do you review the message that's in the materials?

15 A. If the logo is printed correctly on the flyers, the correct

16 colors, that's extremely important at a venue of this nature.

17 I will also look to see if they were having any kind of raffle

18 or giveaway in their booth, because I'm responsible for that,

19 in making sure that that information gets out. Other than

20 that, that's about it.

21 Q. And do you recall if Call-Em-All had materials that they were

22 passing out at the 2009 rally?

23 A. I do not.

24 Q. Okay. And at each vendor booth, is there a Domino's

25 representative?

**EXHIBIT 7**

telephones lines is unknown by this defendant.

g. The companies used by Call-em-all.com is unknown by this defendant.

**INTERROGATORY NO. 4:** Describe the purpose or purposes of Defendants' transmitting the calls or causing the transmission of the calls.

**ANSWER:**

This defendant calls its customers for a number of reasons, one of which is to maintain a business relationship between franchise and customer. Additionally, this defendant conducts quality assurance calls, requests for directions, general customer service, and other reasons in order to maintain relationships with the customer base.

**INTERROGATORY NO. 5:** Identify the Defendants' representatives who are most knowledgeable about the calls, including, but not limited to, the decision to make them, the compilation of the telephone numbers called, and the script of the recorded messages.

**ANSWER:**

Michael Brown

**INTERROGATORY NO. 6:** State whether Plaintiff gave prior express consent to receive the pre-recorded telephone call made to her by Defendants and if so, state how they gave such consent, and identify to whom such consent was given.

**ANSWER:**

Discovery is on-going and this interrogatory will be supplemented.

EXHIBIT 8

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	BOOTH	VENDOR											CONTACT	
2														
3	1703	ADP											LISA COULTER	
4	705	AETNA											BRAD FISCHER	
5	1704	ASAP LLC											BRUCE JOURNEAY	
6	1504	BRINKS, INC.											AMANDA KUBICEK	
7	1903b-1904b	BUNZL DISTRIBUTION, INC.											RICK MAIER	
8	504	BUSY EVENT											DAVID SCHENBERG	
9													BRIAN SLAWIN	
10	304	CALL-EM-ALL, LLC											MARSHA JACKSON	
11	1202	CALL-TRONICS											JIM WOOD	
12	103	COCA-COLA											JOEL MCCORMICK	
13	905	ConAgra MILLS											BARRY KNUDSON	
14	1602	CONCKLIN INSURANCE AGENCY											CRAIG CONCKLIN	
15	1403-1404	CONNECT MARKETING											MARK HOWARD	
16	205	COPELAN											JON BAIN	
17	1000	CRES COR											BARB BORELLE	
18	204	D&S ACCOUNTING SERVICES											ANNIE MCSWEENEY	
19	305	DOMINO'S FRANCHISE ASSOCIATION											KEN PEEBLES	
20	2200	DIVERSIFIED CHECK SOLUTIONS, LLC											DIANE ACKLEY	
21	505	DOMINO'S FRANCHISE FORUM											ROBIN HAMMONS	
22	1302	DTT SURVEILLANCE											MIRA DIZAL	
23	1803	FAMILY VIDEO											TRACY CROWLEY	
24	402	FIDELITY COMMUNICATIONS CORP.											RICK STANBRIDGE	
25	1505	FRCH DESIGN WORLDWIDE											DENIANNE GARDNER	
26	1804	GRANITE TELECOMMUNICATIONS											CHARLIE PAGLIAZZO	
27	804	HAUSBECK PICKLE COMPANY											JOHN SCHNAPF	
28	1801	HIRE THE AMERICAN DREAM											DAVE MELTON	
29	1902	HIRE RIGHT											TOM LEININGER	
30	1903	HORNE LLP											MICHAEL SASSANO	
31	1101	HR/Inter-Metro											MITCH REILLY	
32	1101	HTH, Inc.											TIM LYNCH	
33	1401 & 1603	IBM PULSE TEAM											ANTHONY MINNITI	
34													DON REICHERT	
35	203	IRH CAPITAL											LISA RENNE	
36	1705	ITEX CORPORATION											ROBERT BENSON	
37	403	LANDS' END BUSINESS OUTFITTERS											JOLENA SIEGENTHAUER	
38	904	LEPRINO FOODS											TONY EAFANTI	
39	704	LESAFFRE YEAST CORP.											SANDI CAZALET	
40	802-902	MANITOWOC FOOD SERVICE											CAITLIN RODGERS	
41	401-501	MASSCORP											JEFF MURPHY	
42	402	Message On Hold											MIKE WICK	
43	1100	MIDDLEBY-MARSHALL											LARRY BIRETA	
44	1805	MMF CASH DRAWER											CAROL GARROW	
45	1200	MONTEIRA FRANCHISE SERVICES											LARRY YAPP	
46													SUSAN BURHANS	
47	805	NATION PIZZA PRODUCTS											KEITH OHLSEN	
48	1300	NATIONAL RESTAURANT ASSOCIATION											WINSTON BANKS	
49	1502	NATIONAL TELECOM SERVICES, INC.											SCOTT SCHAFER	
50	502	OFFICE MAX											ARLENE AUSTIN	
51	1904a	ORECK VACUUM											TERRI FOLEY	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
52	801	PAN-OSTON											JEFF GERON	
53	1904	PAYLESS SHOE SOURCE											MATT LEMKE	
54	1405	PERSONA, INC.											JOEL WILLIAMS	
55	1501	PLI											HOLLY PHILLIPS	
56	1001	POSTERLOID CORP.											RALPH GEGERSON	
57	1701	POWER INSURANCE											JOHN POWTER	
58	1201	PROFESSIONAL TEAM INSURANCE SERVICES											FARHAD BAHADORANI	
59	1702	QWEST COMMUNICATIONS											KARA CHASTEEN	
60	1402	RAINBOW MAGNETICS											ROBERT KNAPP	
61	601	ROSE PRINTING											RHONDA MORAN	
62	2300	ROSS PRINT MARKETING											EILEEN BROMWELL	
63	605	RPM PIZZA, LLC.											ROBIN HAMMONS	
64	1301	SECURITY CHECK											PAM HENDEE	
65	404	SERVANT SYSTEMS											BRUCE FRANSON	
66	405	SKECHERS											PAT TANIGUCHI	
67	903	SMURFIT STONE											HENRY LOOMIS	
68	604	SPRINT NEXTEL CORP.											GALE WILCOX	
69	1001	SYNERGETIC MEDIA											JERRY MULLIGAN	
70	1903a	TALEO											BELINDA JOSEPH	
71	603	TBL, INC., The Bottom Line											MARNIE FEINOUR	
72	702	UNIFIED BRANDS											MICHAEL WILLIAMS	
73	503	VALASSIS											KELLI CHASSE	
74	1802	VALPAK											KAYE SLAUGHTER	
75													FRANK STRANGIS	
76	901	WOLFE ELECTRIC, INC.											PETER GOODMAN	
77	1901	WOMEN'S LEADERSHIP FORUM											JULIE WIGLEY	
78	602	WUNDERBAR											JOHN RODRIGUES	
79	803	HENRY WURST, INC.											AMY WURST	
80														
81														
82														
83														
84														
85	BOOTH	CORPORATE VILLAGE												
86	C5	SUPPLY CHAIN SERVICES											SCOTT SENNE	
87	C4	Politics, Publicity & Purpose											CHRIS BRANDON	
88	C3	PULSE CARE											MATTHEW WALLS	
89	C8	FRANCHISE OPERATIONS & DEVELOPMENT											MICHAEL METTLER	
90	C7	STREET LEVEL/PRECISION MARKETING											ERIC OLSEN	
91	C1	SAFETY											CINDY SMAIL	
92	C2	SECURITY											BEVERLIE COTE	
93													GEORGE RALPH	
94	C9	TRAINING & OPERATIONS SUPPORT											CINDY MCGONIGAL	
95	C10	PARTNERS FOUNDATION											RUTH WADE	
96	C11	PEOPLEFIRST											KATHY SCOTT	
													JULIE WIGLEY	

EXHIBIT 9

**ANSWER:**

Vendor was approved by Dominos Corporate and a presenting vendor at the most recent convention.

**INTERROGATORY NO. 15:** Identify all employees or agents of Defendants, whether current or past, who had any communications or meetings with any employees or agents of each vendor identified above, and describe each such communication or meeting, and the participants.

**ANSWER:**

Michael Brown

**INTERROGATORY NO. 16:** What services were rendered by each vendor identified in your response to Interrogatory No. 13 on behalf of Defendants?

**ANSWER:**

Marketing to existing customers with whom Four Our Families, Inc., has a business relationship.

**INTERROGATORY NO. 17:** What were the charges of each such vendor for each of the services described in your answer to the preceding interrogatory?

**ANSWER:**

\$4,252.50

**INTERROGATORY NO. 18:** State the Defendants' knowledge with respect to the telephone numbers that were actually dialed or transmitted by vendors identified above, and as to how the telephone numbers were collected by or provided to the vendors.

**ANSWER:**