

AFFIDAVIT OF ROBERT H. BRAVER

STATE OF OKLAHOMA)
)
) ss
CLEVELAND COUNTY)

I, Robert H. Braver, being duly sworn under oath, do hereby state:

1. I am the Plaintiff in the case *Braver v. Ameriquest Mortgage Company et al.*, Case No. CIV-04-1013-W, currently pending in the United States District Court for the Western District of Oklahoma.
2. I have provided Internet email, web hosting, DNS hosting, and other Internet services to third parties since at least as far back as 1998.
3. Particularly during 2003 and 2004, fraudulent spam email promoting mortgage offers became a large proportion of the spam received by my servers. I have archived and been sorting over 29,000 mortgage spam emails from January 2003 through August 2005 alone. The number I have collected will necessarily only be a portion of the total number, which is unknown.
4. All of the aforementioned mortgage spams were sent with forged, missing, or substantially misleading routing information, false/randomly generated return addresses, and/or obfuscations apparently to avoid spam filters.
5. All of the aforementioned mortgage spams do not include anything that even purports to be a physical postal address. Of the few that do, the address is clearly false, usually a randomized number for a post office box and what appears to be a randomly selected city.
6. Beginning in the summer of 2003, I personally responded to several representative samples of these spams using fictitious, decoy information in order to determine who was responsible for the large amounts of fraudulent mortgage spam transmitted to or through my server facilities. In each case, I received a call back from Ameriquest.
7. I contacted Ameriquest's marketing department and spoke with representatives identifying themselves as Heather and Jennifer Egan on several occasions to make them aware of the problem. From the outset I specifically put Heather and Ms. Egan on notice that this was not simply a matter of unsolicited nuisance email, but was in fact fraudulent email sent with forged headers, violating various laws. At first, Ameriquest was cooperative and would look up the company.
8. I spoke to Rick Davies in Ameriquest's legal department. Mr. Davies told me that he was aware that his affiliates send large email marketing campaigns, but took the position that Ameriquest was not liable for the emails sent by "third parties."

Exhibit
1

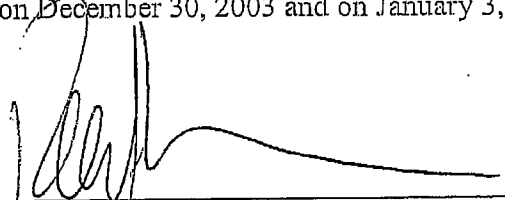
I told Mr. Davies in words to the effect that I believed Ameriquest was responsible for fraudulent and unlawful advertising that they were knowingly paying for.

9. I continued to respond to fraudulent mortgage spams with decoy information over a period of approximately two years. Almost all resulted in an answer back from Ameriquest.
10. The fictitious names, general locations, general dates, and contact telephone numbers are as follows:

"Decoy" Name	Location	Phone #	Appx. Date
Maren Eliason	Norman, OK	405-820-8656	July '03
Gregory Annapolis	St. Louis, MO	314-779-0134	July '03
Roger Griffith	Norman, OK	405-253-4058	Oct. '03
Martin Wilkinson	Atlanta, GA	unknown	Dec. '03
Ron Bartles	St. Louis, MO	314-754-7458	Jan. '04
Jerry Pickering	Moore, OK	405-227-9517	Jan. '04
Clayton Fountain	Los Angeles, CA	213-596-9700	Jan. '04
Shiela Rhodes	Oklahoma City, OK	405-227-9517	April '04
Frederick Fremont	Mt. Pleasant, SC	843-972-0294	June '04
Zachariah Winkle	Dallas, TX	214-269-1166	June '04
Jake Sparks	W. Blomfield, MI	248-724-1711	July '04
Randi Tatum	Detroit, MI	313-347-2719	July '04
Leroy Crockett	Houston, TX	713-474-1417	Aug. '04
Robbie Phipps	Denver, CO	303-785-1755	Sep. '04
Cleo Benitez	Dallas, TX	214-269-1258	Dec. '04
Maribel Bacon	Newark, NJ	212-400-7514	Dec. '04
Pace O'Dell	Terrell, TX	972-210-0223	Jan. '05
Taylor Askew	Dallas, TX	214-699-0104	Jan. '05
Golda Coleman	Kansas City, KS	913-378-0311	April '05
Wendell Slater	Dallas, TX	214-329-1776	April '05

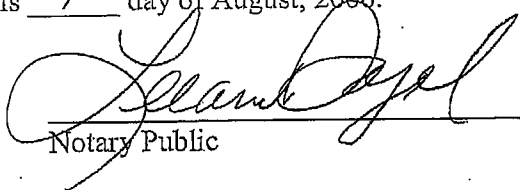
11. I In January 2004, a fraudulent mortgage spam, purportedly from a "lo4x17rh comet" at coxkxdzjam_24546@juno.com." was received by my server. A true and correct printout of the email spam is attached as Attachment "1." This email was sent to secondchance@ohww.norman.ok.us, and e-mail address received by my wife which was temporarily used as the contact address for Second Chance Animal Sanctuary of Norman, Oklahoma. The ohww.norman.ok.us domain is within the voluntarily-administered geographical hierarchy of the .us top-level domain. Myself and/or my company have always been the delegated manager of the norman.ok.us domain.

- 12. I responded to the "lo4x17rh comet" at coxlxdzjam_24546@juno.com." spam as a representative sample of the larger pattern of ongoing spam apparently sent by the same person(s), clicking on the link which took me to the "www.onlinegrantshere.com" website. I filled in the form using the decoy name "Ron Bartles." I selected a plausible address in Missouri to go along with the unique Missouri telephone number I had procured for this purpose, but the pull-down menu on the web page for the state did include Oklahoma as an option.
- 13. I subsequently received a phone call from Ameriquest responding to the Ron Bartles submission.
- 14. The aforementioned spam was one of at several fraudulent spam emails that were received by my servers and brought to my attention which shared similar characteristics, including the link to the onlinegrantshere.com website. These fraudulent spam emails were received on December 30, 2003 and on January 3, 6, 16 and 22, 2004.



Robert H. Braver

Subscribed and sworn to before me on this 4th day of August, 2006.



Notary Public

