

4. I have set forth more fully below the issues leading up to the instant Motion, in addition to our unsuccessful efforts towards resolution.

5. On July 17, 2012, Complaint Counsel for the Federal Trade Commission (the "FTC") wrote to me and stated that they intended to offer into evidence at the hearing of this matter almost 500 exhibits related to SIGMA. The exhibits were not included in Complaint

of a fairly extraordinary set of circumstances and, in my opinion, could not satisfy the

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true

EXHIBIT A

Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on:



