UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL TRADE COMMISSION, and STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LEGAL AFFAIRS, Plaintiffs, v. LIFEWATCH, INC., a New York corporation, also d/b/a LIFEWATCH USA and MEDICAL ALARM SYSTEMS, SAFE HOME SECURITY, INC., a Connecticut corporation, MEDGUARD ALERT, INC., a Connecticut corporation, EVAN SIRLIN, individually and as an officer or manager of Lifewatch Inc., MITCHEL MAY, individually and as an officer or manager of Lifewatch Inc., and DAVID ROMAN, individually and as an officer or manager of Lifewatch Inc., Safe Home Security, Inc., and Medguard Alert, Inc. Defendants.	Case No. 15cv5781 Judge Gary Feinerman Magistrate Judge Jeffrey T. Gilbert

PLAINTIFFS' EXHIBIT 91
DECLARATION OF MICHAEL ROBINSON
PURSUANT TO 28 U.S.C. § 1746

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I, Michael Robinson, hereby declare as follows:

1. My name is Michael Robinson and I am over the age of eighteen.

2. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would competently testify to the facts stated herein.

3. I began telemarketing medical alert devices in late 2013, or early 2014. I worked as a sales representative for Cary Gottlieb at Alertlink in Margate, Florida. Alertlink sold medical alert devices exclusively on behalf of Lifewatch. At that time, the Lifewatch script contained the "I've fallen and I can't get up!" language. There were approximately 50 occupied seats in the call center in Margate and room for over 100 seats. The call center completed between 100 and 105 sales per day. The State of Florida shut down Alertlink in 2014.

4. From April 2014 until October 2014, I trained new sales representatives, managed payroll, and verified sales for Rush Krodel at Agent Answering Assistance located in Fort Lauderdale, Florida. At some point during this time, Rush Krodel left the call center and the call center was renamed Better Life Systems. Both Agent Answering Assistance and Better Life Systems sold medical alert devices exclusively on behalf of Lifewatch. At that time, Lifewatch's script contained the "or maybe you've seen our medical alert system in…The Washington Post or US News" language. There were approximately 40 seats in the call center in Fort Lauderdale. The call center completed between 85 and 90 sales per day. This call center ceased operations in approximately October 2014.

5. From December 2014 until February 2015, I worked as the assistant manager and handled training and payroll for Steve Holland at Nationwide Ventures located in Las Vegas, Nevada. Nationwide Ventures sold medical alert devices exclusively on behalf of Lifewatch.

There were approximately 40 seats in the call center in Las Vegas. The call center completed approximately 50 sales per day.

6. During my time working for Nationwide Ventures, I routinely spoke on the telephone with Lauren Vandewater and Sonja Stanley from Lifewatch. Sometimes either Mitchel May or Evan Sirlin was also on the telephone call. The conversations with Lifewatch were typically about changing the scripts, both sales and verification, discussing which states we could not call, changing the autodialer or server caller identification number, and changing the outgoing electronic message.

7. From December 2015 through June 2016, I performed administrative duties and verified sales for William Thrasher at Constant Connectivity located in Altamonte Springs, Florida and Largo, Florida. Constant Connectivity sells medical alert devices on behalf of Lifewatch, Medical Guardian, and a Chinese company. The call centers sell for a different company on alternating weeks and the orders are placed into separate customer relationship management ("CRM") software for each company.

8. From December 2015 until May 2016, I worked out of Constant Connectivity's Altamonte Springs location. From May 2016 until June 2016, I worked out of Constant Connectivity's Largo location. Both the Altamonte Springs and Largo call centers have approximately 20 seats and complete approximately 30 sales per day. As of my last day of work, June 3, 2016, Constant Connectivity was selling medical alert devices on behalf of Lifewatch, Medical Guardian, and the Chinese company.

9. Every call center that I worked in selling medical alert devices on behalf of Lifewatch was a "press 1" room, meaning they all used autodialers or servers to place multiple outgoing calls to consumers that contained an electronic message. The telephone numbers or

"lead list" for the outgoing calls were purchased as a data file. The lead list and the electronic message were uploaded to the autodialer or server through Vicidial software. The autodialer or server was programmed to display certain information to the telemarketer such as the customer's name, telephone number, address, etc. The autodialer or server called the telephone numbers on the uploaded list. If a consumer answered the telephone call, the consumer would hear an automated message instructing the consumer to press "1" if the consumer was interested or press another number, usually 9, to be removed from the list. If the consumer pressed "1," the consumer would be connected to a live telemarketer. If the consumer pressed the number to be removed from the list, the software would record that the call was not transferred to a live telemarketer, but in nearly all cases the consumer's telephone number was not removed from the list.

10. During the time I worked selling medical alert devices, it was clear that the initial lead list for landlines had been scrubbed for Do Not Call Registry telephone numbers because we would receive very few consumer complaints. However, it was evident that at no time did anyone in any of the call centers I worked in selling medical alert devices update the Do Not Call telephone numbers on the lead list after the initial purchase because as time went on the number of customer complaints would increase. Customer complaints would increase because failing to scrub the lists of Do Not Call telephone numbers means that every time the call center "refreshed" the lead list in the autodialer or server, the autodialer or server would call the exact same telephone numbers it called previously. Thus, consumers, including consumers who complained that they were on the Do Not Call Registry, or who asked to be removed from the list, would get multiple calls per day or multiple calls on consecutive days because the call center

would "refresh" the list on the autodialer or server multiple times per day and, therefore, the autodialer or server would dial the same numbers multiple times per day.

11. This is very different from call centers I worked in that did not sell medical alert devices. In those call centers, a lead list would typically be refreshed only after it had been scrubbed for that days' or weeks' Do Not Call telephone numbers. Thus, when the call center refreshed the lead list, those consumers with Do Not Call telephone numbers would not receive additional calls.

12. During the time I worked selling medical alert devices, Douglas Coleman, Charles Bernat, and Derek Bartoli ran the autodialers and servers. Charles Bernat and Derek Bartoli worked for a company called Phoenix Innovative Solutions, LLC.

13. During the time I worked at the call center in Las Vegas selling medical alert devices on behalf of Lifewatch, the call centers began purchasing lead lists for cell phones. These lists were never scrubbed for Do Not Call Registry telephone numbers.

14. After the consumer's call was connected to a telemarketer, the telemarketer would read from the sales script. If the telemarketer was able to close the sale, the telemarketer entered the consumer's information into the CRM software. Lifewatch owned the CRM software and gave the call centers the username and password so the telemarketers could input the consumer data directly. The telemarketer then transferred the consumer to someone else for verification.

15. The only time Lifewatch ever rejected a consumer sale was if the consumer gave a post office box for an address, or the address or telephone number the consumer gave was incorrect. In those instances, Lifewatch would instruct the call center to call the consumer and get the appropriate information.

16. During the time I sold medical alert devices on behalf of Lifewatch, the verification process varied. When I first began selling medical alert devices on behalf of Lifewatch, verification occurred in-house, i.e., the telemarketer would transfer the consumer to someone else inside the call center for verification. When I sold medical alert devices on behalf of Lifewatch out of the Fort Lauderdale location, a third party conducted the verification, but the third party was located upstairs from the call center. When I sold medical alert devices on behalf of Lifewatch out of the Las Vegas location, the telemarketers would transfer the consumer to Lifewatch for verification. When I returned to Florida to sell medical alert devices on behalf of Lifewatch, verification was conducted in-house. During the time I sold medical alert devices on behalf of Lifewatch, the customer service telephone number was typically Lifewatch's telephone number.

17. When I first started selling medical alert devices on behalf of Lifewatch, Lifewatch paid $300.00 per sale, but the call center had to absorb any chargebacks that occurred within 90 days of the sale. The chargeback rate varied, but could reach 20% or higher. Now, Lifewatch pays Michael Ramos and Brian McFadden a straight $180.00 per contract.

18. During the time I sold medical alert devices on behalf of Lifewatch, whenever Lifewatch asked the call centers to provide them with audio recordings, the only recordings we ever sent were recordings of the verification calls. The verification calls were always conducted verbatim from the verification script and were, therefore, "clean" recordings.

19. During the time I sold medical alert devices on behalf of Lifewatch, the outgoing caller identification would change nearly every day. Lifewatch's name never appeared in the caller identification. Sometimes Lifewatch would tell the call center to change the outgoing

caller identification. At other times, an internal decision was made to change the outgoing caller identification.

20. The outbound electronic message also changed on a constant basis. Many people had the authority to request that the outbound electronic message be changed including Michael Ramos, Brian McFadden, Lauren Vandewater, and Sonja Stanley. Sometimes Michael Ramos would tell the call center that Lifewatch said to change the message. When the call center opened in Las Vegas, no one had a copy of the outbound electronic message so Steve Holland recorded the message. It said:

> Hi. This is David from the Customer Care Department. You've recently been qualified to receive a medical alert system at no cost to you. Press 1 to speak to a live representative. By taking advantage of this special promotion on this call, you'll also receive a prescription discount savings card. Press 1 now or press 9 to be taken off our list.

21. Through Vicidialer, Lifewatch, particularly Mitchel May and Evan Sirlin, had access to real-time information regarding telemarketing. Lifewatch could access Vicidialer remotely through a website and review, among other things, how many leads the autodialer or server was calling, how many telemarketers were on the phone, how many calls were made, the average call length, and how many sales the call center made. Lifewatch could also listen in on any active call through Vicidialer. The call centers would send Vicidialer reports to Mitchel May and Evan Sirlin on a regular basis.

22. Michael Ramos controlled or controls Agent Answering Assistance, Nationwide Ventures, and Constant Connectivity. Michael Ramos told me that he pled guilty to fraud in Florida in 2015 involving a time-share scam, and that the court ordered him to pay lump sum restitution in the amount of $192,000.00. He further told me that Lifewatch paid a large portion

of the $192,000.00 and, therefore, he was obligated to run call centers selling medical alert devices on behalf of Lifewatch in order to repay the money.

23. In 2016, Michael Ramos told me that he and Brian McFadden traveled to New York to meet with Lifewatch on alternating weeks to discuss the performance of the call centers and additional telemarketing opportunities. Similarly, Mitchel May and Evan Sirlin traveled to Florida multiple times to visit the call centers.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on 07/21/2016, 2016.

Michael Robinson