

# **TRO Exhibit 14**

**DECLARATION OF BERNARD HARVEY**  
Pursuant to 28 U.S.C. §1746

ORIGINAL

1. My name is Bernard Harvey and I reside in Halifax, Nova Scotia. The following facts are known to me personally, and if called as a witness, I could and would competently testify thereto.
2. On or around October 28, 2008, I received a phone call from a representative of Mutual Consolidated Savings (MCS). The representative, a male, told me that MCS would work together with my credit card company to lower the 19.5% interest rate on my Royal Bank Visa card and guaranteed that I would save \$3,000 in a year as result of the interest rate reduction. The Royal Bank Visa card is the only credit card that I possess.
3. The representative asked me if he could send me a package with more information in it and some forms that I would need to fill out and send back, if I was interested in the service. He informed me that the service would cost \$749.00 USD, but made it seem as though there would be no obligation to MCS until after I filled out and sent back the forms in the package. He asked me for the first four and last three numbers of my Visa card so that he could send the package. I provided these numbers believing that there was no way he could charge me without my complete credit card information.
4. On November 10, 2008, approximately two weeks after the initial call, the package from MCS arrived via UPS. The tracking number on the package is 1Z53E2316844852706. The package contained several CDs, worksheets, a calculator, and the forms I was supposed to fill out and return. I filled out the forms and sent them back to MCS because I believed that MCS could save me \$3,000 in a year.

5. The next day, November 11, 2008, I went to my bank, Royal Bank. While I was at the bank, I mentioned to the bank teller the phone call from MCS and the service that MCS was supposed to provide me. The bank representative informed me that only the bank or my credit card company could lower the interest rate on my credit card. He told me that he believed MCS was a fraudulent scam and that I should contact Visa immediately.

6. I returned home and called Visa immediately. When I informed them of the phone call from MCS they told me that my credit card had already been charged \$973.00 CAD by IXE Accelerated Service Center on October 28. A true and correct copy of my credit card statement showing this charge is attached as Exhibit A. The Visa representative asked me if I wanted to dispute the charge. I said yes and cancelled my credit card. Visa re-issued me a new card with a substantially lowered interest rate of 11%.

7. On November 26, I received a letter from Visa that said they were investigating the disputed MCS charge, but that they would provisionally credit my account pending the outcome of their investigation. A true and correct copy of this letter is attached as Exhibit B.

8. Several weeks later, my December credit card statement arrived. The statement showed a credit for \$973.00 CAD from MCS. A true and correct copy of my credit card statement showing this credit is attached as Exhibit C.

9. Approximately one month later, my January credit card statement arrived. My January statement shows that the chargeback had been reversed and \$973.00 CAD was once again charged to my account. I called Visa to ask why the charge had been re-applied to my account and was told that the MCS merchant bank had provided proof that I authorized the initial charge. I asked Visa to send me a copy of the proof and they sent me

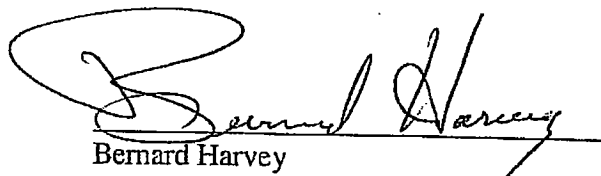
a copy of an invoice from IXE Accelerated Service Center showing an order for a "Bronze Software Package" in the amount of \$749.00 USD, shipped via UPS with a tracking number of 1Z53E2316844852706. The package was delivered November 10, 2008. A true and correct copy of this invoice supporting the chargeback reversal is attached as Exhibit D.

10. On January 19, 2009, I received another letter from Visa. It indicated that Visa was attempting to follow up on the investigation. The letter instructed me to write a letter detailing all of the events surrounding the MCS charge if I wanted to dispute the charge further. I have not yet continued the dispute process because it has become inordinately cumbersome.

11. On or around February 10, 2009, I received another phone call from a MCS representative. The representative, a female, told me she was calling to check on the progress of my service. I informed her that I had cancelled my credit card, disputed the charge, and did not want the service. She did not offer a refund, and I did not ask for one because I had already taken steps to dispute the charge with Visa.

I swear or affirm under penalty of perjury that to the best of my knowledge and belief the foregoing is true and accurate.

Dated: 26 Feb 2009

  
Bernard Harvey



VISA Classic

BERNARD HARVEY 4 [REDACTED] 1712  
STATEMENT FROM OCT 25 TO NOV 24, 2008

1 OF 1



DATE	ACTIVITY DESCRIPTION	AMOUNT (\$)
	PREVIOUS STATEMENT BALANCE	\$6,230.97
	BERNARD HARVEY - 4514 0765 3809 1712	
NOV 24	BALANCEPROTECTOR PREMIUM	\$53.74
NOV 24	PURCHASE INTEREST	\$60.72
	SUBTOTAL OF MONTHLY ACTIVITY	\$114.46
	4 [REDACTED] 485	
OCT 28	T IXE ACCELERATED SERVICE 321-2429090 FL Foreign Currency-USD 749.00 Exchange rate-1.299506	\$973.33
OCT 28	T CREDIT ALERT 1-866-372-6409 ON	\$16.94
OCT 30	T PAYMENT - THANK YOU / PAIEMENT - MERCI	-\$200.00
OCT 31	T IMPARKHALIFAX 1030 122 HALIFAX NS ON	\$6.00
NOV 14	T PAYMENT - THANK YOU / PAIEMENT - MERCI	-\$100.00
	SUBTOTAL OF MONTHLY ACTIVITY	\$696.27
	TOTAL NEW BALANCE	\$7,041.70

IMPORTANT INFORMATION

CONTACT US

Customer Service / Lost & Stolen 1-800-769-2512  
Collect Outside North America (416) 974-7780

PAYMENT INFORMATION

Minimum payment \$70.00  
Payment due date DEC 19, 2008  
Credit limit \$14,500.00  
Available credit \$7,458.30  
Annual interest rate 11.90%

CALCULATING YOUR BALANCE

Previous Statement Balance	\$6,230.97
Payments & credits	-\$300.00
Purchases & debits	\$1,050.01
Cash advances	\$0.00
Interest	\$60.72
Fees	\$0.00

**NEW BALANCE \$7,041.70**

Disputed item(s): \$973.33

The 'T' to the left of the transactions on this statement indicate they have been transferred from your previous account. Should there be any discrepancies, please contact us immediately.

RBC0150120\_5572154\_001\_3603  
HRI-00-1-1-1-T-38-D

001 0018 4 [REDACTED] 712 000000000000 0007000 000704170



RBC ROYAL BANK  
VISA PAYMENT CENTRE  
P.O. BOX 4016, STATION "A"  
TORONTO, ONTARIO M5W 2E6

NEW BALANCE  
\$7,041.70

MINIMUM PAYMENT  
\$70.00

PAYMENT DUE DATE  
DEC 19, 2008

AMOUNT PAID  
\$50.00

RBC0150120\_5572154\_001-3511

01603

BERNARD HARVEY  
[REDACTED]  
HALIFAX NS B3R 1G8

VISA Classic

[REDACTED] 712

- Telephone banking 1-800-769-2511
- Online banking [www.rbcroyalbank.com](http://www.rbcroyalbank.com)
- RBC Royal Bank ATM
- RBC Royal Bank Branch
- By mail

Detach and return with payment  
Please do not send cash through the mail.  
Please do not staple or damage this form.

06113-003  
06113-003  
DEC 15 2008  
06113-003

Harvey Exhibit A

TRO Exh. 14, Page 4

0000320003: 0000001000 96



November 26, 2008

BERNARD HARVEY

0000266

HALIFAX, NS B3R 1G8

Dear BERNARD HARVEY,

Visa® account: [REDACTED] 485  
Merchant: Ixe Accelerated Service  
Amount: \$973.33

Thank you for your inquiry regarding the disputed item on your statement.

We are now attempting settlement on your behalf with the merchant's bank.

We have processed a credit to your account in the interim, as it may take a few weeks to resolve this matter. Thank you for your patience. We will contact you if the merchant provides additional information to support the transaction.

Please call if you have any questions or require additional information. We appreciate your business and thank you for using RBC Royal Bank® Visa.

Yours truly,

*S. Bourgeois*  
Customer Service Representative  
TEL: 1-(877) 717-2377

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\* Registered trademark of Visa International Service Association. Used under license.

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Harvey Exhibit B



VISA Classic

BERNARD HARVEY 4 [REDACTED] 1712  
STATEMENT FROM NOV 25 TO DEC 24, 2008

1 OF 1

DATE ACTIVITY DESCRIPTION AMOUNT (\$)

DATE	ACTIVITY DESCRIPTION	AMOUNT (\$)
	<b>PREVIOUS STATEMENT BALANCE</b>	<b>\$7,041.70</b>
	BERNARD HARVEY - 4514 0765 3809 1712	
OCT 28	IXE ACCELERATED SERVICE ADJ	-\$973.33
NOV 28	CDN TIRE STORE #00186511 HALIFAXBROOKENS	\$62.06
DEC 01	CDN TIRE STORE #00186556 HALIFAXBROOKENS	\$34.77
DEC 01	VISA FEE	\$70.00
DEC 02	DAL DENTAL CLINIC HALIFAX NS	\$745.00
DEC 02	CREDIT ALERT 1-866-372-6409 ON	\$16.94
DEC 03	CITYFONE TELECOMMUNICATIOBURNABY BC	\$26.35
DEC 15	PAYMENT - THANK YOU / PAIEMENT - MERCI	-\$50.00
DEC 19	NSLC NO 185 SPRYFIELD NS	\$35.59
DEC 19	CITYFONE TELECOMMUNICATIOBURNABY BC	\$29.47
DEC 24	BALANCEPROTECTOR PREMIUM	\$47.39
DEC 24	PURCHASE INTEREST	\$52.03
	<b>SUBTOTAL OF MONTHLY ACTIVITY</b>	<b>-\$453.73</b>

NOV 28	T PAYMENT - THANK YOU / PAIEMENT - MERCI	-\$100.00
	<b>SUBTOTAL OF MONTHLY ACTIVITY</b>	<b>-\$100.00</b>
	<b>TOTAL NEW BALANCE</b>	<b>\$6,487.97</b>

The 'T' to the left of the transactions on this statement indicate they have been transferred from your previous account. Should there be any discrepancies, please contact us immediately.

RBC0150120.6077393.005 X  
HRI-09-1-1-A-E-D

IMPORTANT INFORMATION

CONTACT US

Customer Service / Lost & Stolen 1-800-769-2512  
Collect Outside North America (416) 974-7780

PAYMENT INFORMATION

Minimum payment \$82.00  
Payment due date JAN 18, 2009  
Credit limit \$14,500.00  
Available credit \$8,012.03  
Annual interest rate 11.90%

CALCULATING YOUR BALANCE

Previous Statement Balance \$7,041.70  
Payments & credits -\$1,123.33  
Purchases & debits \$497.57  
Cash advances \$0.00  
Interest \$52.03  
Fees \$20.00

**NEW BALANCE \$6,487.97**

001 0018 4 [REDACTED] 712 00000000000 0008200 000648797



RBC ROYAL BANK  
VISA PAYMENT CENTRE  
P.O. BOX 4016, STATION "A"

NEW BALANCE  
**\$6,487.97**

MINIMUM PAYMENT  
**\$82.00**

PAYMENT DUE DATE  
**JAN 18, 2009**

AMOUNT PAID  
**\$ 712**

David Marcus

IXE ACCELERATED SERVICE CENTERS

[Redacted]

Sage Payment Solutions  
Retrieval & Chargeback Department

[Redacted]

Re: Case number 2008336009420,

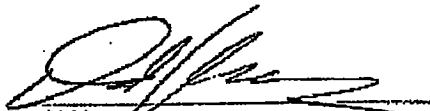
Thank you for your communication of 12/22/2008.

IXE ACCELERATED SERVICE CENTERS takes very seriously matters of this nature. Our fraud risk department has reviewed the case and has determined that there was no fraudulent activity.

1. The charge was authorized by the customer as evidenced in a recording held by a third party recording vault. To access this recording please call 1-321-397-4070, account # 278568 and request recording 1587 made on 10/28/2008.
2. Please see copy of original invoice.
3. Please see copy of UPS tracking results

We trust that the documentation supplied will result in the reversal of this chargeback.

Yours sincerely



David Marcus  
Fraud Risk Department  
IXE ACCELERATED SERVICE CENTERS  
12/24/2008



**IXE Accelerated Service Centers Inc**

**INVOICE**

810 N. Apollo Blvd  
 Melbourne, FL 32935  
 Phone 321-249-1595 Fax 321-242-9099

INVOICE #1587  
 DATE: 10/28/2008

TO:  
 Bernard Harvey

TO:  
 Bernard Harvey

*NOTE  
 ADDRESS  
 ERROR*

Halifax, B3R1G8  
 Canada  
 902-477-1510

Halifax, B3R1G8  
 Canada  
 902-477-1510

**COMMENTS OR SPECIAL INSTRUCTIONS: COURRIER DELIVERY**

Customer	Credit Card #	SHIPPED VIA
Bernard Harvey	4512 **** * 485 EXP 07/09 CVC 802	UPS 1Z53E2316844852706

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Bronze software/ service package	749.00	749.00
		SUBTOTAL	
		SALES TAX	
		SHIPPING & HANDLING	
		TOTAL DUE	749.00

*2008336009420*

Thank you for your business!

Harvey Exhibit D