

# **TRO Exhibit 25**

ORIGINAL

**DECLARATION OF MARY JO PICARD AMI**  
Pursuant to 28 U.S.C. §1746

1. My name is Mary Jo Picard Ami and I reside in Stamford, Connecticut. The following facts are known to me personally, and if called as a witness, I could and would competently testify thereto.

2. On December 10, 2008, I received a phone call from a woman representing a company called Mutual Consolidated Savings ("MCS"). She explained that MCS could lower my interest rates to between 3% and 4%. I told her that if she wanted money from me then I was not interested in signing up for any services she had to offer. She assured me that MCS was not interested in collecting money from me and that the service was free of charge. She asked me if I had a credit card with available credit, and I indicated that I did. She asked for the name of the card, the amount owing on the card, and the card credit limit. I gave her this information for my Chase Visa card because I assumed that she needed this information to lower the interest rate as part of the free MCS service. I did ask her why she needed the information, and she asked me to hold. I stayed on the line because I thought she would explain when she returned.

3. Instead, she transferred the call to a gentleman named Steve Weir, with whom I talked for approximately 45 minutes. Steve reiterated to me that MCS could lower the interest rates on my credit cards to between 3% and 4%. He specifically stated, "I guarantee your rates will be lowered." He guaranteed that by signing up for the service, I would save approximately \$2,500 to \$3,000 per year just in interest. He also explained that with the interest payments reduced, I would be able to pay off my debts faster. Approximately ten minutes into the

conversation, Steve informed me that the charge for the MCS program was \$850. I told Steve that the woman I had spoken with previously had lied to me by telling me that the service offered by MCS was free of charge. He explained to me that MCS representatives initially say this so that people will not hang up the telephone. I told him that he had wasted his time because I was not willing to pay any money and that I did not need or want the MCS service. He assured me that I would never get a chance like this again. I was skeptical of the MCS service and asked Steve how he got my contact information. His response was that MCS only contacts people with good credit, and that I had excellent credit. I knew that scammers would often ask for a Social Security Number and told Steve that I would hang up the phone if he asked for mine, but he assured me that he did not want it. His response somewhat subdued my doubts. Further, he told me that if I signed up for the service I would have a lifetime membership with MCS. He explained that this meant I could contact MCS anytime I got a new credit card, and MCS would lower the interest rate on that card to between 3% and 4% as well. He even told me that the interest rate on the credit card I use to pay the \$850 fee to MCS would be lowered that same night. Steve repeatedly guaranteed that if I did not save \$2,500 to \$3,000 in the next year, MCS would refund my money.

4. When I told Steve that I did not understand how the program worked and how MCS would be able to lower my interest rates, he explained that MCS would call my credit card companies and negotiate with them to lower the rates. He did not say anything about three-way phone calls. I asked him how MCS negotiates with credit card companies, and he told me that the answer to that question is for MCS to worry about. He assured me though that MCS could lower my rates because it is what they do. He explained that MCS has been in business for

years, that they are always able to lower their customers' interest rates, and that they have been providing this service to many large companies. He told me that I could even look MCS up to verify that he was telling the truth about the service MCS provides. I looked up the MCS website while I was on the phone with Steve. The website looked good to me and made me believe that MCS was a legitimate company. He did not mention at any point in our conversation that MCS would give me advice on how to pay my bills.

5. Steve was very persistent in trying to convince me to sign up for the service. At the time, I did not need this service. I was about to receive a large amount of money from my father's estate, which I was planning to use to pay off all my credit card debt. However, I was interested in the MCS service because of the lifetime guarantee that the interest rate on every credit card I had, or would ever have, would be lowered to between 3% and 4%. Because Steve had not asked me for my Social Security Number, and because MCS had a well produced website, I believed that MCS could lower my interest rates, and I agreed to sign up for the service.

6. Steve told me that he told me that he was going to send me an email authorization and asked me to respond to it with an electronic signature. I did not understand how to do an electronic signature, and was unwilling to authorize the charge in that manner. Instead, Steve recorded my authorization for the \$850 charge, which was posted to my Chase Visa card the same day. Steve informed me that I would receive a package from MCS in the mail with a form that I needed to fill out and return. He said that as soon as MCS received my form, an MCS representative would call me, give me a reference number, and appoint a consultant to assist me

with my lifetime membership. He also gave me the MCS phone number and assured me that I could call him if I had any questions.

7. On December 11, 2008, a representative from Chase Visa called to inform me that a suspicious charge had been made to my account. The suspicious charge was the \$850 charge from MCS. Because the Chase Visa representative thought the charge was suspicious, I became skeptical again of the service offered by MCS. I asked the Chase Visa representative to reverse the charge. She said she would, but on or around December 18, 2008, I received the monthly statement for my Chase Visa card and noticed that the \$850 charge had not been reversed. The statement also informed me that because the MCS fee had not been reversed, my balance was over my available credit limit. I was charged a fee for going over the credit limit on my account.

8. A few days after I received my Chase Visa statement, I told a friend that I had signed up for the program with MCS. I explained to her that I had paid \$850 for MCS to reduce the interest rates on my credit cards to between 3% and 4%. She responded that she thought I had been scammed and recommended that I try to get a refund. Within a few days of our conversation, I called MCS to request a refund. I asked for Steve because he had told me I could call him with any questions I had, but the MCS representative informed me that Steve was not available. I attempted calling Steve a few more times during the next week, but I was not able to get hold of him.

9. On or around December 26, 2008, I received the package from MCS. The package included two DVDs, a calculator, a booklet entitled "Your Way Out of Credit Card Debt," a booklet entitled "Savings Guide," and a form for me to complete and return. Because

Chase Visa had not cancelled the MCS fee, and because I had not been able to get hold of Steve, I did not think I would be able to get a refund. I decided to fill out the enclosed form and return it. The information I disclosed on the form included the credit card number, interest rate, balance, and credit limit for the following credit cards: TJ Maxx Visa with a 17.24% interest rate, Target Visa with an 18.99% interest rate, Saks Fifth Avenue MasterCard with a 17.99% interest rate, Saks First card with a 22.9% interest rate, Home Depot card with a 22.99% interest rate, American Express with a 25.98% interest rate, Macy's card with a 22.9% interest rate, and the Chase Visa I used for the \$850 fee, which had a 12.24% interest rate.

10. In early January, 2009, I received notices from five of my credit card companies informing me that my credit limit had been reduced. The limit of my Chase Visa was reduced from \$12,000 to \$6,000, the limit on my American Express card was reduced from \$12,000 to \$3,100, the limit on my Saks Fifth Avenue MasterCard was reduced to \$2,500, and the limits on my TJ Maxx and Target Visas were also reduced. I know of no reason for the credit card companies to reduce my credit limit as I had been consistently paying my credit card bills, and I do not remember whether the notices from the bank gave a reason. Because I had provided the information for the cards on the MCS form, I wondered if the credit limits had been reduced because MCS had contacted the credit card companies. I did not contact the credit card companies myself to ask why the limits had been reduced because I did not care as I was planning to pay the cards off anyway.

11. I called MCS on or about January 14, 2009, to verify that MCS had received my form, and to ask why I had not been contacted yet. An MCS representative informed me that MCS had not received my form. I assured her that I had sent it and she set up an appointment

for another MCS representative to call me at 7:00 pm on the following Tuesday. I was not home at 7:00 pm on the following Tuesday, and I missed the call from the MCS representative. The MCS representative did not leave a message, but I know I received the call because I saw the MCS phone number on my caller identification. I called MCS back sometime within the next day or two and spoke with an MCS representative who set up another appointment, which I believe was set for January 24, 2009.

12. On January 24, 2009, a woman representing MCS called me at the scheduled time. She informed me that MCS had still not received my form, and asked me to relay the information, that I had disclosed in the form, over the phone. I told her that I thought it was strange that MCS had not received my form because the credit limit on five of my credit cards had been reduced. I explained to her that I thought that the reason my credit limits had been reduced was a result of contact by MCS. The MCS representative surmised that the credit card companies must be reducing credit limits because of the state of the economy, but stated that the reductions had nothing to do with MCS, because MCS had not contacted my credit card companies.

13. I gave her all of my credit card information over the phone. Afterwards, she told me that she would explain the MCS program. She explained that if I paid an extra \$20 per month on the my American Express and other cards with high interest rates, I could pay them off faster, and in turn I would have more money and be able to pay off my mortgage faster. I interrupted her and asked why she was telling me how to pay my bills. She told me that this was the service I had paid for and that if I followed her advice, I would save money. I was very upset. I told her that I signed up for the MCS program to have the interest rates on all my credit

cards reduced to between 3% and 4%. I had never been told anything about MCS giving me advice on how to pay my bills and I asked her, "why would I pay you to tell me how to pay my bills?"

14. The MCS representative seemed very confused. According to her, the MCS program I had signed up for was not an interest rate reduction program, and she claimed that MCS does not even offer a interest rate reduction program. She asked me where I had gotten my information, and when I told her I had spoken with Steve Weir, she claimed that she did not know who Steve Weir was and said she had never heard of him. I was very frustrated and confused, and I advised her that I had not paid \$850 for MCS to tell me how to pay bills. I had been doing just fine on my own for 47 years.

15. I expressed to her that the only reason I had signed up for the MCS service was for the lifetime interest rate reduction guarantee, and I informed her that if MCS was not going to lower my interest rates, I wanted a refund. She said that giving me a refund was not possible, and although in some instances MCS will refund half the fee, I did not qualify for the refund. I cannot remember why she said I did not qualify for the refund. She said she would send out another form for me to fill out and return. I told her I had just given her all my information and that I would not fill out the form again. I stated that I did not need the service as she had explained it, that MCS representatives had lied about the MCS service, and that I was going to report MCS to the Better Business Bureau ("BBB"). I ended the call. On January 25, 2009, I filed a complaint with the BBB.

16. In mid-February 2009, I received another letter and form from MCS. I did not fill it out or send it back. On or around March 4, 2009, I received a notice in the mail from MCS



informing me that I would receive a partial refund of \$150. I do not remember whether or not the notice said why I would receive the partial refund. On or around March 5, 2009, I called MCS to ask why I had received this notice and to request a full refund. The MCS representative I spoke with, who I think was called Giovanna, was very nasty to me during our conversation. Our entire conversation was very heated because we both become very upset and raised our voices. I told Giovanna that I did not understand what the notice was and that I wanted a full refund. She replied that I would receive a partial refund as the notice promised, but that she could not give me a full refund.

17. I explained to her that MCS had not delivered the service as promised and had not helped me in any noticeable way, and that I had been lied to by MCS representatives. She got very defensive and asked if I was calling her a liar. I said I was not, but that I had been lied to by the representative who signed me up for the MCS service. I became very audibly upset and explained to her that I had been promised that my interest rates would be lowered to between 3% and 4% and they had not been. She told me she did not know where I had received this information because the service I had signed up for does not include interest rate reductions, but instead teaches people how to budget their money. She assured me that I had not been promised lower interest rates by an MCS representative, that she was not affiliated with any company that promised to lower interest rates, and that if I had not received any benefit from the MCS service, it was because MCS had not received my form. I explained to her that I knew MCS had received my form because the credit limit on my credit cards had been reduced, and that MCS had been giving me the runaround for months. She very rudely implied that my credit limits were lowered because I do not pay my bills. I was offended by her remark and retorted that I always pay my

bills, to which she replied that I would not have contacted MCS in the first place if I had been paying my bills. I assured her that MCS had contacted me, that I did not need the MCS service, and that I did not want anything more to do with the company. Because I had been lied to about the service, I told her that she needed to get together with the other MCS representatives to determine what the MCS service actually offered. I told her that I thought MCS was a bogus company, that every representative I had spoken with had told me conflicting things, that I had been lied to, and that there had been numerous complaints against MCS. She very defensively told me that there have never been any complaints against MCS and that I did not know what I was talking about. She told me not to call her a liar and she hung up the phone.

18. After my conversation with Giovanna, I was very upset and I decided that I had had it with MCS. I called Steve to demand a full refund and complain about the way Giovanna had treated me during our conversation. I became very audibly upset with Steve over the phone. I asked him if he remembered who I was, and reminded him that I had told him in our initial conversation that I did not need the service because I was about to pay off all my credit cards. I informed him that I had in fact paid off all my credit cards, that I did not need the service, and that he had lied to me about the MCS service. I also complained that Giovanna had treated me very poorly, had yelled at me, and had hung up the phone on me. I demanded a full refund and told him that I had complained to the BBB, to which he replied that I could contact whomever I wanted. He explained that there was probably a disparity in what I had been told by MCS representatives because that there are so many of them. I do not remember exactly what Steve said after that, but I believe that he promised to refund half the fee. I believe that I told him that I would not settle for a half refund, but that I wanted a full refund. I told him, as I had told

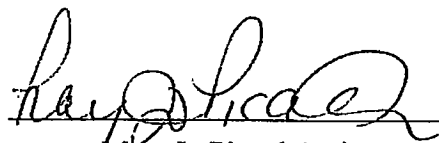
Giovanna, that he needed to get together with the other MCS representatives and determine exactly what the MCS service entails. I also asked him why I had been contacted by MCS initially. He explained that MCS uses an automated system and that an MCS representative had not called me, but that the phone had automatically called me. I asked why I had been on the call list in the first place, to which he surmised that it was because I needed help paying my bills. I reminded him what he had told me in our first conversation, that I had been contacted because I have good credit. I explained that if MCS was going to lower my interest rates, it would have already been done already because it had been three months since I had initially signed up for the service. He began explaining that he had used the MCS service and that his interest rates had been lowered drastically. I was very frustrated with him and told him that I did not care what his interest rates were, but that I just wanted my money back. Because I had become so upset, he told me that he would transfer me to his manager, Chris.

19. My conversation with Chris was very short. I explained to Chris what had happened with Giovanna, complained that I had been lied to about the MCS service, and demanded a full refund. He agreed to give me a full refund and told me that he would call Giovanna to speak to her about our conversation. He assured me that another MCS representative would contact me with a reference number corresponding to my refund. I finally received a refund on my credit card sometime in early April of 2009.

20. I am very unhappy and dissatisfied with MCS. I was misinformed about the service offered, and I would not have signed up for the program if I had known the true nature of it.

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

Dated: 6-10-09

  
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Mary Jo Picard Ami