

# **TRO Exhibit 28**

**DECLARATION OF MICHAEL SCIBEK**  
Pursuant to 28 U.S.C. §1746

1. My name is Michael Scibek and I reside in Bear, Delaware. The following facts are known to me personally, and if called as a witness, I could and would competently testify thereto.

2. On May 1 of 2009, I filed a complaint with the Federal Trade Commission regarding a telemarketing call I had received from a company identified as Mutual Consolidated Savings ("MCS"). A true and correct copy of my complaint is attached to this declaration as Exhibit A.

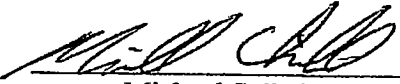
3. I received a telemarketing call from MCS on May 1, 2009. When I answered, an automated recording began to play. The message did not say what the company was selling. Rather, it simply said the call was about <sup>MY MCD</sup> ~~the interest rate on my credit cards.~~ <sup>AD</sup>

4. Speaking to a representative was the only option; the recording did not have an option to be placed on a do not call list. I spoke with a representative and asked to be placed on a do not call list. I was informed that MCS did not have a do not call list for me to be put on, because I was a repeat customer. In reality, I had never even heard of MCS and certainly had no business relationship with MCS.

5. In addition, my phone number has been on the national do not call registry since 2003.

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

Dated: 14 JUNE 2009

  
\_\_\_\_\_  
Michael Scibek

## Scibek Exhibit A



## Record Details

## Do Not Call Complaints

Record # 11 of 20 / Do Not Call Complaints	
Reference Number:	22575022
Complaint Date:	5/1/2009
Product Service Code:	National Do Not Call Registry
Complaint Source:	National Do Not Call Registry
Complaint Channel:	Web
Transaction Date:	5/1/2009
Transaction Time:	11:00:00 AM
Existing Business Relationship?:	N
Pre-recorded message?:	Y
Requested entity to stop calling?:	Y
Comments:	When I talked to a body at Mutual Consolidated Savings, I was informed that they do not have a "Do Not Call" list. I am willing to testify against this company if necessary.
<b>Consumer</b>	
First Name:	Michael
Last Name:	Scibek
Address 1:	[REDACTED]
Address 2:	
City:	Bear
State/Prov:	Delaware
ZIP:	19701-3090
Phone Number:	(302) [REDACTED] 446
<b>Subject</b>	
Company Name:	Mutual Consolidated Savings
State:	
Country Code:	1
Phone Number:	(866) 6646131