



this affidavit. The facts stated herein are within my personal knowledge and are true and correct.”

2. “I am a principal of IntelliGender, LLC (“IntelliGender”).”

3. “I have personal knowledge related to the emails attached hereto as Exhibits 1 and 2, which are true and correct copies of what was forward to me by Bill Rolley.”

4. “The email attached as Exhibit 1 was allegedly sent on Wednesday August 17, 2011 at 9:47 pm from email address *rebeccagriffin75093@mail.com* and distributed to various personal contacts known to me, including Bill Rolley, IntelliGender’s banker at Amegy Bank, Bill Lacy and other executives at Newmark Knight Frank, my employer. I did not send the email attached as Exhibit 1. Attached as Exhibit 2 is the email sent to me from Bill Rolley showing his receipt of Exhibit 1.”

5. “The email does not claim a reference line but attaches a reprint of an article from Law 360 regarding the settlement of a proposed nationwide class action. This e-mail is false, misleading and deceptive in at least the following particulars:

- a. The email purports to be from Rebecca at rebeccagriffin75093@gmail.com. This creates the impression that Rebecca Griffin from Plano Texas (zip code 75093) transmitted the e-mail, a false statement of fact; and
- b. The email was received by and distributed to various personal contacts known to me, including Bill Rolley, IntelliGender’s banker at Amegy Bank, Bill Lacy and other executives at Newmark Knight Frank, my employer, who know me personally, and would reasonably believe that I authorized and transmitted the email, a false statement of fact.”

6. "I have personal knowledge related to the email attached hereto as Exhibit 3, which are true and correct copies of what were received by me. The email attached as Exhibit 3 was allegedly sent on Thursday August 18, 2011 and was also sent from email address rebeccagriffin75093@mail.com and distributed to my neighbors and members of the Glen Eagle Country Club in Plano, Texas. I did not send the email attached as Exhibit 3."

7. "Exhibit 3 purports to be from me and states in the reference line, "Someone please help stop the bleeding!!!!!!" The email states the following:

Neighbors and Club Members,

Sorry to request your assistance again but after our recent \$2.5m Settlement on the class action suit, our Intelligender venture has become a lawsuit magnet and attracted yet another suit!!!! Our product was "just for fun" and we were simply trying to get rich quick!

Any assistance you can offer Teresa Garland and I is greatly appreciated!

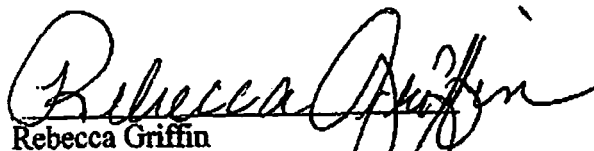
Rebecca"

8. "This e-mail is false, misleading and deceptive in at least the following particulars:

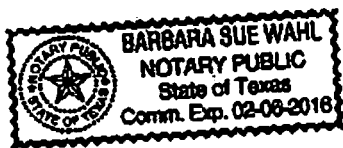
- a. The email purports to be from Rebecca at rebeccagriffin75093@gmail.com. This creates the impression that Rebecca Griffin from Plano Texas (zip code 75093) transmitted the e-mail. That is a false statement.
- b. The email was received by my neighbors and club members at the Glen Eagles Country Club, who recognized me personally, and would reasonably believe that I authorized and transmitted the email;

- c. The email falsely asserts that IntelliGender paid \$2.5 million to settle a class action when it did not.
  - d. The email falsely asserts that IntelliGender has become a "lawsuit magnet" when it is not;
  - e. The email falsely asserts that the Class action settlement attracted another lawsuit, which is false;
  - f. The email states that "we were simply trying to get rich quick!" which is false; and
  - g. The email requests assistance for Teresa Garland and myself when no such assistance was requested."
9. "The statements in the email are false and misleading and create a false impression regarding the identity of the author of the emails."

FURTHER AFFIANT SAYETH NOT.

  
Rebecca Griffin

SUBSCRIBED AND SWORN TO BEFORE ME on this 24<sup>th</sup> day of April, 2012, to certify which witness my hand and official seal.



  
Notary Public in and for the State of Texas