

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

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

SPEAR SYSTEMS, INC., a Wyoming Corporation;

BRUCE PARKER, individually, and as an officer or
director of Spear Systems, Inc.;

LISA KIMSEY, individually, and as an officer or
director of Spear Systems, Inc.; and

XAVIER RATELLE, individually, and doing business
as eHealthyLife.com,

Defendants.

07 C 5597

Judge Anderson

Magistrate Judge Mason

AFFIDAVIT OF LISA KIMSEY

I, LISA KIMSEY, being first duly sworn on oath, do depose and state as follows based on personal information, to the following facts:

1. I am the Lisa Kimsey referred to in the pleadings and Complaint filed by the Federal Trade Commission in the above captioned matter. (See, Complaint attached hereto and incorporated herein as Exhibit 1.)

2. Attached as Exhibit 2 to this Affidavit is my Answer to the FTC's Complaint where I deny all material allegations of plaintiff's Complaint, including all allegations regarding alleged violations of the FTC Act and CAN-SPAM.

3. I persist in all denials stated in my Answer (Ex. 2) and incorporate my answers as if stated more fully herein.

4. I have at no time been personally involved in any efforts to market Hoodia or HGH products, or any other products referenced in the FTC Complaint (Ex.1) via email or other means.

5. I was previously identified as the CFO of Spear Systems, Inc. Spear Systems, Inc. was acquired in February 2005 with its primary role being to establish pay card programs and distribute debit cards to pay out commissions and payroll for international client companies to their members, affiliates, employees or associates, as a cost efficient alternative to more traditional forms of payment such as western union or bank wires.

6. To this end, the Spear Systems, Inc. has operated under several contracts as reseller and distributor of debit paycards, with different banks, card program managers and companies to establish a stable and viable card product offering and payment option for its client base.

7. The officers of the company are Bruce Parker CEO and Director, and Lisa Kimsey as CFO. In this position, my role was non-active and essentially one which provided a United States based credit source to establish operating accounts and assist in the corporate credit building process. Dalton Robinson is General Manager.

8. Because the corporate Director is a foreign national, it was difficult for the company to obtain U.S. business credit, or a merchant account, so the company hired me to assist in establishing corporate credit, and in opening corporate accounts. My role in this respect was non-active and primarily only signatory for credit accounts.

9. Neither myself nor Spear Systems, Inc. had involvement in the establishment or marketing of any of the products sold by Xavier Ratelle referred to in the FTC Complaint (Ex. 1), and only offered Ratelle merchant processing services.

10. At no time while Mr Ratelle or his companies were processing sales through Spear Systems, Inc.'s account, were we aware of any illegal activity, and the company did not receive any complaint regarding the sales for non-delivery, bad products or any abuse of any US email marketing rules.

11. Rather, our merchant processor facility had strict guidelines regarding products that could be sold, and content of websites, and the company took precautions that it abided by laws and regulations regarding the sales.

12. Neither Spear Systems, Inc., nor its officers or myself had any ownership or financial interest in the websites cited by the FTC in its Complaint (Ex.1) and requests for temporary and permanent restraining orders, nor any involvement in knowingly or intentionally processing orders for products not approved for sale in the US.

13. Ehoodialife.com was not owned nor operated by Spear Systems, Inc., but rather was only added to a merchant account as a product site for processing.

14. The order processing relationship with Xavier Ratelle was terminated in January 2007.

15. eHoodiaLife.com and eHealthyLife.com were not owned nor operated by Spear Systems, Inc.

16. Spear Systems, Inc. did not sell or advertise through spam email messages and at no time has it been associated with any marketing or traffic generation

of eHoodiaLife.com, eHealthyLife.com or the other websites listed in the FTC Complaint (Ex. 1).

17. Spear Systems, Inc. does not operate either eHoodiaLife.com, eHealthyLife.com or the other websites listed in the FTC Complaint.

18. Spear Systems, Inc. never owned, advertised, or distributed any product called Hoodialife, or HoodiaPlus, HGHLife, or HGHPlus and did not have anyone advertise or distribute these products at its request.

19. Neither Spear Systems, Inc., nor myself have any financial interest, joint venture or other relationship with eHoodiaLife.com, eHealthyLife.com or the other websites listed in the FTC Complaint (Ex. 1), including but not limited to formulaalxyz.com, hppinequealsok.com and/or zckisyltiffce.com.

20. I have never reviewed and had no role or involvement in the development or wording use on the Websites listed in the FTC Complaint (Ex. 1), including but not limited to eHealthyLife.com, eHoodiaLife.com, formulaalxyz.com, hppinequealsok.com and/or zckisyltiffce.com.

21. I have never initiated, sent or otherwise cause to be sent any e-mail transmissions, commercial or otherwise, referencing the websites mentioned in the FTC Complaint (Ex. 1), including but not limited to eHoodiaLife.com, eHealthyLife.com, formulaalxyz.com, hppinequealsok.com and/or zckisyltiffce.com.

22. The result of the temporary restraining order entered in this matter is the freezing of a personal joint checking account with my husband at US Bank in Caldwell Idaho. The account reads L. Mark Kimsey M.D. Lisa P. Kimsey.

23. The source of the deposits into the frozen US Bank account is from my husband's medical practice and the operation and sale of a farm in Texas. Absolutely no funds from Spear Systems, Inc. have ever been deposited into that account.

24. My total compensation from my relationship with Spear Systems, Inc. is \$7,990.00. These monies were deposited into my Bank of America personal checking account that is in my name only. I then transferred these funds to my corporation Global Nexus Enterprises, Inc. as a loan.

FURTHER AFFIANT SAYETH NOT

Signed,



Lisa Kimsey

SIGNED and SWORN to before me
this 10th day of October 2007



NOTARY PUBLIC



EXPIRED
7-13-2012