

**DECLARATION OF STEVEN M. WERNIKOFF**  
**PURSUANT TO 28 U.S.C. § 1746**

I, Steven M. Wernikoff, hereby declare as follows:

1. My name is Steven M. Wernikoff. I am staff attorney with the Federal Trade Commission ("FTC"), a position that I have held since March 2000. I have filed an appearance on behalf of the FTC in the matter *FTC v. Spear Systems, Inc., et al.*, 07 C 5597 (N.D. Ill.).

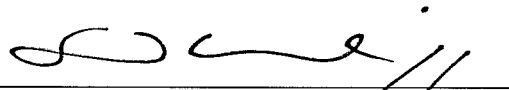
2. On October 5, 2007, I received a call to my office telephone from an individual who identified himself as Xavier Ratelle. Mr. Ratelle sought information requesting why his account with ePassporte, a digital currency, was frozen. I informed Mr. Ratelle that he was a defendant in an action brought by the FTC, and that, pursuant to a Temporary Restraining Order entered by the Court, his assets had been frozen. After I volunteered to provide him with the relevant legal papers, Mr. Ratelle provided me with a fax number -- (514) 385-3292. I additionally informed Mr. Ratelle that we were attempting to personally serve him with the legal papers.

3. Immediately thereafter, I sent by facsimile to the number provided by Mr. Ratelle: (1) a cover letter informing Mr. Ratelle of the Court hearing scheduled for October 11, 2007, (2) a file-stamped copy of the FTC's Complaint, (3) the Temporary Restraining Order with Asset Freeze, Other Equitable Relief, and Order to Show Cause Why a Preliminary Injunction Should Not Issue signed on October 3, 2007 by the Court (including Attachments A through D), and (4) the Memorandum filed by the FTC in support of its motion for a Temporary Restraining Order. A true and correct copy of the letter that I sent to Mr. Ratelle, along with the proof of the successful facsimile transmission of 76 pages, is attached as **Wernikoff Att. A.**

4. On October 16, 2007, I faxed a letter to Mr. Ratelle at the same fax number that he provided to me earlier. In the letter, I informed Mr. Ratelle of the Court hearing scheduled for October 25, 2007 at 9:00 a.m. and specifically noted that the Court had indicated that it would entertain entry of a preliminary injunction against Mr. Ratelle at that hearing. A true and correct copy of the letter that I sent to Mr. Ratelle, along with the proof of facsimile transmission of 2 pages, is attached **Wernikoff Att. B.**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 18, 2007

  
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Steven M. Wernikoff