

# **TRO Exhibit 5**

ORIGINAL

**DECLARATION OF CONNIE BLAND**  
Pursuant to 28 U.S.C. §1746

1. My name is Connie Bland and I reside in Louisville, Kentucky. The following facts are known to me personally, and if called as a witness, I could and would competently testify thereto.
  
2. On October 15, 2007, I was home sick from work with a sinus infection. I had just taken antibiotics, and was feeling very groggy, when I received a phone call from a woman who told me she represented a company called "Card Services." She said that Card Services offered a program to reduce the interest rates on all my credit cards. I had never heard of Card Services before and asked her about the company. She told me that Card Services is the company that handles the printing and mailing of credit card statements for various credit card companies, including my credit card statements. She assured me that the return address listed on my credit card statements was for Card Services. I did not check my statements to verify this, but she was so convincing that I believed her. She did not mention any affiliation with Mutual Consolidated Savings ("MCS").
  
3. The Card Services representative explained that for \$500, Card Services would lower the interest rates on all my credit cards to between 2% and 6%, saving me at least \$2,500 per year in interest payments. She guaranteed that my monthly credit card payments would be so much lower, and that I would be saving so much money, that I would not even notice the \$500 fee. She assured me that Card Services would continually monitor my credit cards to attempt to

ensure that my interest rates remained between 2% and 6%, although she could not guarantee it. I asked her how Card Services would lower my interest rates, and while she did not explain how, she assured me that they would take care of it without any effort on my part. She explained that if I paid the fee, Card Services would automatically lower my interest rates and ensure that they stayed low, and that I would not have to take any further action. She did not mention anything about three-way phone calls, setting up additional appointments, or receiving anything in the mail. She also did not mention anything about a cancellation or refund policy at that time.

4. Because the Card Services representative led me to believe that Card Services was affiliated with my credit card companies, I trusted that Card Services could lower my interest rates. I assumed that the credit card companies were offering this program to help out people, like myself, with large outstanding credit card balances. I had not been experiencing difficulty making timely credit card payments, but I had three cards that were close to maxed out, and the interest rates on my credit cards was around 12%. I thought the service offered by Card Services would allow me to pay off my credit card debt faster, would save me money, and would be worth the \$500 fee. Therefore, I agreed to sign up for the service.

5. When I agreed to sign up for the service, the Card Services representative informed me that she already had the names and card numbers of my three credit cards, one Capital One MasterCard and two HSBC MasterCards. Although I was concerned that she had my credit card numbers when I had not given them to her, I presumed that she had this information because, as she had explained, Card Services printed and mailed my credit card statements on behalf of my credit card companies. Because I did not have sufficient available

credit on any one of my credit cards to pay the \$500 fee, I asked the Card Services representative to split the charge between my Capital One MasterCard and one of my HSBC MasterCards. A charge of \$250 was made to each card immediately. The Card Services representative then explained that she needed the three-digit authorization number on the back of each of my three credit cards in order to lower my interest rates, and I provided her with them. She did not say that Card Services would be in contact with me, but she provided me with a number I could call her at if I had any questions.

6. Shortly after my initial conversation with the Card Services Representative, I fell asleep. A few hours later, I woke up, much more lucid than before, and became very concerned about what I had signed myself up for. I called the Card Services representative back to tell her that I had changed my mind about signing up for the service, but she informed me that my credit card had already been charged, and that it was too late for a refund. She reiterated the \$2,500 savings I would receive per year and explained again that Card Services would take care of lowering my interest rates. Because I was told it was too late for a refund, and because I was trusting that Card Services could lower my interest rates, I did not pursue a refund at that time.

7. On November 2, 2007, I received a booklet from MCS and looked over it briefly. The booklet included a letter and directions on how to call credit card companies to negotiate lower interest rates. I was confused because I had never before heard of MCS. I called the 1-800 number on the booklet the very same day to find out who MCS was, and to ask why I had received the booklet. I spoke with an MCS representative named Chris, who informed me that the service I had signed up for through Card Services was actually provided by MCS. Chris

explained that I needed to read through the booklet and follow through with the program on my own. I became very upset and told Chris that I had been lied to because the representative I initially spoke with, who identified herself as a Card Services representative not an MCS representative, had told me that my interest rates would be automatically lowered with no effort on my part. I explained to Chris that I had not paid \$500 to receive a booklet on how to lower my interest rates, and that I wanted MCS to lower my interest rates for me, as had been promised when I signed up for the service.

8. Chris offered to set up an appointment with an MCS consultant to make three-way calls to my credit card companies to negotiate lower interest rates. He led me to believe that this was not part of the service I had signed up for, but was simply an effort to appease me because I had become very angry during our conversation. However, I was still not satisfied and explained to Chris that the only reason I signed up for the service was to have my interest rates automatically lowered. When I demanded a refund, Chris informed me that though sometimes customers can receive a refund within 30 days of signing up for the program, I could not receive one. He very reluctantly agreed to refund half of the fee, and only agreed to do so because I had relentlessly complained and was very clearly upset. Chris explained that he would schedule an appointment for an MCS consultant, Jonathan, to call me and make three-way phone calls to my credit card companies. Chris said that if I was not satisfied with the MCS service after my appointment with Jonathan, he would see if I could receive a refund of the balance of the \$500 fee.

9. I agreed to set up an appointment with Jonathan for November 5, 2007, because I had not been given a full refund, and because Chris had assured me that Jonathan could help me lower my interest rates. On November 5, 2007, I received a phone call from Jonathan, who explained that he would call my credit card companies with me on the line to negotiate lower interest rates. Jonathan first called Capital One. He introduced me to the Capital One representative and I gave my authorization for him to negotiate on my behalf. He asked the Capital One representative to lower the interest rate on both of my MasterCard accounts, but the representative refused, explaining that the balance on each card, which was \$2,000, disqualified me for an interest rate reduction.

10. After speaking with the Capital One representative, Jonathan told me that the conversation had not gone as well as he had anticipated, but that we would hopefully have better luck with HSBC. He asked me to "just go along" with whatever he would say to the HSBC representative. He explained that he planned to tell the HSBC representative that I had other credit cards, and that if HSBC would not lower my interest rate, I would take my business elsewhere. I told him this would be a lie because I do not have other credit cards that I could transfer my business to. He responded, "well, they don't know that." I was very taken aback by, and uncomfortable with, Jonathan's approach, but I did not know what to do, so I did not say anything else about it. I assumed that because he was a professional consultant, he knew how to negotiate with credit card companies. Of course, when I had agreed to pay the Card Services fee, I had no idea that getting lower interest rates would require lying to the credit card company. I would not have purchased the service if I had known.

11. When we called HSBC, Jonathan introduced me and I authorized him to negotiate on my behalf. After a few minutes of speaking with the HSBC representative, Jonathan pretended that he had called HSBC by mistake. He lied to the HSBC representative by saying that he thought he had called Capital One, that I had a Capital One card with \$5,000 available credit, and that if HSBC did not lower my interest rate, I would transfer the balance to the Capital One card, and cancel my account with HSBC. In response to this claim, the HSBC representative agreed to lower my interest rate from 12% to 11%.

12. Although Jonathan had briefly discussed his approach with me in advance, I was floored by the misrepresentations that he had made, and regretted participating in the conversation. I told Jonathan that I did not approve of his decision to lie and related my disgust for what he had done. He attempted to brush off my comments about his tactics by saying that because my credit is not good, he had to lie to the companies to give a lower rate, and that this is the way MCS negotiates for people in my circumstances. When I pointed out to him that he had not been able to lower my interest rates as promised, he told me that there was nothing else he could do for me, and that I would have to lower my interest rates on my own. He suggested that I apply for a new credit card with a lower interest rate through American Express and transfer all my credit card balances to that card, and he gave me email addresses of credit counselors that I could contact for help. None of this advice made much sense to me and did not have anything to do with the service I had paid for. I was very upset and hung up the phone.

13. On November 13, 2007, I called MCS and left two messages for Chris to call me back. I felt I had been lied to and scammed, and I wanted a full refund. At the time, I did not

know whether I had been refunded half the \$500 fee as Chris had promised. Within a few days, a gentleman named Otis from MCS called me and left a message. I called him back, but was not able to speak with him. At this point, I did not believe that I would receive a refund from MCS, so, on November 23, 2007, I filed a complaint with the Better Business Bureau ("BBB").

14. A few days after I had filed the complaint with the BBB, I received a return phone call from Otis. When I spoke with him, I demanded a full refund. Because I was so upset about my experience with MCS, I raised my voice and ranted to Otis that Jonathan had lied to my credit card company, that MCS had not provided the promised service, and that I thought I had been scammed. I threatened to report MCS to the Better Business Bureau, which I already had done, to file a consumer complaint with the Attorney General's Office, and to contact every other agency I could if I did not receive a full refund by the time I received my next credit card statements. Otis did not get a chance to say much during the conversation and I do not remember anything he did say, but he did agree to refund the rest of my fee.

15. Sometime between mid-December and mid-January, I viewed my HSBC MasterCard and Capital One statements online and noticed that both the \$250 charges from MCS had been reversed. Although I received a full refund, I am extremely dissatisfied with MCS. MCS misrepresented their service, and I would not have signed up for the service had I known that 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: 4/15/09

Connie Bland  
Connie Bland