

EXHIBIT A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
CASE NO. 8:12 CV 2412-SDM-TBM

JERRY WOJCIK, an individual, on behalf of himself
and all others similarly situated,

Plaintiff,

DECLARATION OF
CHARLEY CASSELL

v.

BUFFALO BILLS, INC.,
A New York Corporation,

Defendant

Charley Cassell, under penalty of perjury, does hereby affirm and state:

1. I am an individual over the age of eighteen, residing in the greater Chicago, Illinois area, and if called upon to testify could and would testify competently as to the following.
2. I am currently employed as Chief Financial Officer of Vibes Media, LLC (“Vibes”), a mobile marketing and technology company that assists its clients in promoting their brands, and in acquiring, engaging and deepening our clients’ relationships with their customers.
3. One of the services that Vibes provides is direct opt-in text marketing. Under this service, Vibes provides access to computer servers and proprietary software designed by Vibes, which allows our clients to distribute content and marketing messages to subscribers who voluntarily opt-in to receive text messages from a client.
4. When designing our services, Vibes considered the generally accepted industry best practices as promulgated by the Mobile Marketing Association (“MMA”) and CTIA Wireless Association (“CTIA”). MMA is the premier global non-profit trade association

representing companies in the mobile marketing industry. CTIA is the international association for the wireless telecommunications industry, and is the association backed by the major cellular carriers.

5. CTIA audits marketing campaigns running on short codes to ensure that providers are in compliance with industry best practices. In the event a mobile marketing campaign fails such audits, the provider is instructed to modify aspects of the campaign or marketing materials promoting the campaign to get in compliance. Persistent audit failures could lead to a wireless carrier cutting off service to the provider. It is therefore in Vibes business interest to encourage our clients to operate in compliance of best practices when it comes to the marketing of its clients' brands through text messaging services.

6. Buffalo Bills, Inc. ("BBI") is a sponsorship partner of Verizon Wireless. Verizon has requested that Vibes allow some of their sponsorship partners, which includes BBI, to utilize Vibes text messaging services. More specifically, BBI is allowed to utilize Vibes' computer servers and software support for the text messaging service (the "Text Service") that BBI provides to fans of its National Football League team the "Buffalo Bills".

7. In order for someone to receive a text message as part of the Text Service, the subscriber must first subscribe to the text service by texting the word "BILLS" to Short Message Service ("SMS") short code 64621. An "SMS short code" is a special cellular telephone exchange, typically comprised of only five or six digit extensions that can be used to address text messages to cellular phones.

8. By texting the word BILLS to the Text Service, the subscriber supplies the Text Service with his or her cellular phone number. This cellular phone number is retained on Vibes' servers for the purpose of enabling BBI to send text messages to that number.

9. Each subscriber to the text service is apprised of the fact that he or she can opt-out of the text service by simply texting the work "STOP" to SMS short code 64621.

10. The server equipment and software utilized by Vibes, and made available to BBI, does not have (and has not had) the capacity to store or produce telephone numbers using a random or sequential number generator.

11. Vibes is a direct opt-in marketing company; meaning that subscribers are only sent text messages to numbers that they have voluntarily provided.

12. Vibes has never engaged in any text messaging campaigns where the cellular telephone numbers to which text messages were sent were randomly generated in any manner.

I declare, under penalty of perjury, under the laws of the United States of America and the State of Florida that the foregoing is true and correct. Executed this 16th day of November 2012, at Chicago, Illinois.



CHARLEY CASSELL