

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FEDERAL TRADE COMMISSION,
600 Pennsylvania Ave., N.W., Washington, DC 20580, Plaintiff,

v.

TOYSMART.COM, LLC,
170 High Street, Waltham, MA, 02453, a Delaware corporation, and

TOYSMART.COM, INC.,
170 High Street , Waltham, MA, 02453, a Delaware corporation, Defendants.

CIVIL ACTION NO. 00-11341-RGS

DECLARATION OF DAVID N. LORD

I, David N. Lord, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is David N. Lord. I am the Chief Executive Officer of defendant Toysmart.com, LLC and defendant Toysmart.com, Inc. (collectively, "Toysmart"), in Waltham, Massachusetts, and am authorized to make this declaration on each defendant's behalf. I have personal knowledge of the facts set forth in this Declaration.
2. I have reviewed Toysmart's records relating to disclosures to third parties of personal customer information collected on the Toysmart Web site, and I have spoken to employees with knowledge of how such personal information was handled.
3. After taking the actions described in paragraph 2 supra, I have not learned and thus am not aware of any disclosure, transfer, or sale to a third party of personal customer information, or of any other material violation of the Toysmart Privacy Statement (a copy of which is attached to this Declaration).

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: _____

David N. Lord