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3. I am the Defendant in the above-captioned matter. I give this affidavit in support of Defendant Ashenoff's Brief in Opposition to Plaintiff's Motion to Compel.

4. I do not own a computer.

5. When I need to use a computer, I use a computer that my brother owns.

6. Several of my family members also use the computer that my brother owns.

7. I generally do not create word documents, excel spreadsheets, power point presentations and similar documents to communicate.

8. I use my brother's computer to communicate with people through Yahoo, Excite and My Space.

9. I have a cell phone, but I do not store or save text messages that I send.

FURTHER AFFIANT SAYETH NAUGHT.

*Charles Ashenoff*

Charles Ashenoff

Sworn to and subscribed before me  
this 22nd day of January, 2009.

*Harry E. Spanjer*  
NOTARY PUBLIC



My Commission Expires: 02.17<sup>th</sup> 2009