



This is the 1st affidavit
of Petre Capota in this case
and was made on 05/07/2012

No. 122316
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DEBORAH LOUISE DOUEZ

PLAINTIFF

AND:

FACEBOOK, INC.

DEFENDANT

AFFIDAVIT

I, Petre Capota of Vancouver, British Columbia, AFFIRM THAT:

1. I am a Member of Facebook. As such, I have personal knowledge of the facts and matters deposed to in this affidavit except where I state them to be made on information and belief, and as to those facts and matters, I state the source of the information believe it to be true.
2. A copy of my Facebook Profile is attached as **Exhibit "A"** to this affidavit.
3. I have reviewed the Notice of Civil Claim in this action and unless stated otherwise, the defined terms in this affidavit have the same meaning given to them in the Notice of Civil Claim.

BACKGROUND WITH COLLECTIVE POINT OF SALE SOLUTIONS

4. My wife, Sofia Capota, owns and operate a small business. We wanted to accept credit cards, and so we entered into a contract with Collective Point of Sale Solutions Ltd. ("Collective"), a company that offers credit card processing services.

5. I was unhappy with the service we received through Collective. We thought we were paying too much for the service we were receiving. We both tried to contact Collective customer support on several occasions to voice our concerns, by telephone and by email. Collective staff often failed to answer the telephone or reply to emails. It took more than two months for Collective to deliver a copy of the contract we had signed.

COLLECTIVE FACEBOOK PAGE

6. I was so frustrated by my experience with Collective that I decided to visit their Facebook Page at <https://www.facebook.com/collectivepos>. A copy of the Collective Facebook Page is attached as **Exhibit "B"** to this affidavit.

7. In or around February 2012, I left the following Comment on the Collective Facebook Page:

If I would need an provider again. I will stay away from COLLECTIVE POS. This company do not respect the contract, I needed 2 months to get the copy of the contract, they never answer when you leave an message. I loose money with COLLECTIVE. If you need more info. call me. I am very disappointed.

8. I do not recall clicking the Like Button on the Collective Facebook Page, but it appears that it is necessary to click the Like Button to leave a Comment so I accept that I must have done so, or taken some other Facebook action, in my efforts to leave a comment on the Page.

9. It appears that Collective has now removed or hidden the comment I left on the Collective Facebook Page.

SPONSORED STORY

10. In or around March 2012, my wife informed me that she was visiting my Facebook Profile and saw an advertisement saying "Petre Capota likes Collective Point

of Sale Solutions” featuring my Profile Picture. I verily believe the information provided to me by my wife.

11. I do not “like” Collective. I was frustrated and disappointed with their service and would not do business with Collective again. I was astonished and embarrassed to find that by leaving a complaint on the Collective Facebook Page I was featured in an advertisement promoting Collective. I left a comment on Collective’s Facebook Page to dissuade others from doing business with Collective, not to encourage them to do so.

12. I did not consent to Facebook’s use of my name or portrait for the purposes of advertising, including Sponsored Stories.

13. I was not paid by Facebook, Collective, or any other advertisers whose products or services were linked to my name or portrait for said use of my name or portrait.

CERTIFICATION

14. When I heard about this lawsuit, I contacted Greg McMullen at Branch MacMaster LLP to tell him about my experience with Facebook and Collective and to find out how I could participate in Ms. Douez’ lawsuit.

15. Mr. McMullen has advised me that bringing an action on my own could cost over \$250,000 in fees and disbursements. He said that if brought an action on my own and if I were successful, the damages I would recover would be outweighed by my lawyers’ fees, and that if I were unsuccessful the court might order me to pay Facebook’s costs. I would not be able to afford to bring a lawsuit against a company the size of Facebook on my own.

16. Mr. McMullen has explained that the action seeks damages on behalf of a proposed Class described as “all British Columbia resident persons who are Members of Facebook and whose name, portrait, or both have been used by Facebook in a Sponsored Story”, and to prevent Facebook’s use of its Members’ names and portraits without the proposed Class Members’ written consent. He also explained that, if this

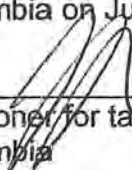
action is certified and allowed to proceed as a class action, it would bind all proposed Class Members, including me.

17. I am happy that this action is being brought on behalf of people like me whose names and portraits were used by Facebook in advertisements without their consent. I support the certification of this action as a class action.

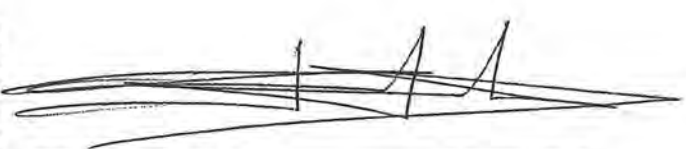
PURPOSE

18. I make this affidavit in support of certification of this action as a class action and for no other purpose.

AFFIRMED BEFORE ME at Burnaby,
British Columbia on July 5, 2012.




A Commissioner for taking Affidavits for
British Columbia



PETRE CAPOTA

FARINAZ KOVACEVIC
Notary Public
#104 - 2849 North road
Burnaby, B.C. V3J 1R6

This is Exhibit ^A ✓ referred to in the
Title Acte Copula
at the place of Burnaby
the 5th day of July 1912
A. 
Notary Public
British Columbia

FARINAZ KOVACEVIC
Notary Public
#104 - 2849 North road
Burnaby, B.C. V3J 1R6



Petre Capota

Married

Activities and Interests

Office Colegiul National Gb Mihaescu Dragasani, Collective Point of Sale Solutions

Basic Information

Relationships Married
Gender Male

- Wall
- Info
- Photos
- Family

John Coroama
Singapore

Report/Block...

Add Friend Message

Sponsored See All

Kintec
Help us choose our Subaru's Conavirap vehicle wrap! Which front/rear versions do you like b...



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Submit your best song for a chance to be an Intel Superstar - and win from \$25K in prizes.

This is Exhibit * B * referred to in the af-
fair of Police Capote
made before me at Burnaby
the 5th day of July 2012



FARINAZ KOVACEVIC
Notary Public
#104 - 2849 North road
Burnaby, B.C. V3J 1R6



Collective Point of Sale Sol... Timeline Now Highlights

Like



COLLECTIVE POINT OF SALE SOLUTIONS

Canada's Choice For Payment Processing

Collective Point of Sale Solutions

164 likes · 14 talking about this · I was here

Like

Message

Local Business
4576 Yonge Street, Suite 200, Toronto, ON.
1 (888) 760-4767
Today 8:00 am - 10:00 pm
About



Photos

164 Likes



Map



Events

Collective Point of Sale Solutions

2 hours ago via direct



American Express to begin promoting U.S. implementation of EMV technology
www.collectivepos.com
Throughout the credit card and payment processing industry, a strong push toward mass implementation of European, MasterCard and Visa (EMV) technology has developed in the past year. Category: Payment Processing Read more

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Robbie Clarke likes this.

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Collective Point of Sale Solutions

5 hours ago via direct



Google working to add new features in its mobile wallet
www.collectivepos.com
While Google can claim the distinction of being one of the first major companies to debut a mobile payment processing platform - Google Wallet - the significance of this has been nullified by the application's problems. Category: Payment Processing Read more

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PYINTS.com: What's Next in Payments Website Like

Collective Point of Sale Solutions

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Many Canadians preparing for summer vacations
www.collectivepos.com
More than half of Canadians will take a vacation this summer and the majority will be using their credit and debit cards to purchase while traveling, according to a recent poll conducted by Legent Marketing. Category: Merchant Services Read more

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FACEBOOK, INC.

DEFENDANT

**AFFIDAVIT #1 OF PETRE CAPOTA
(CERTIFICATION)**

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