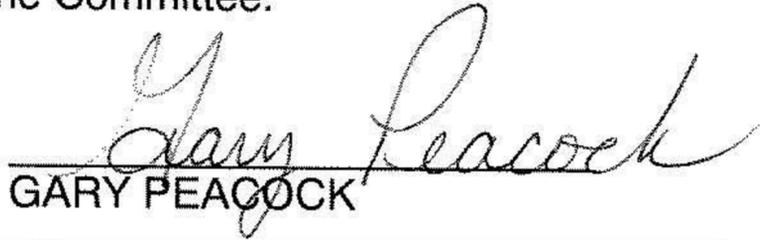


**AFFIDAVIT OF GARY PEACOCK**

I, Gary Peacock, being duly sworn, hereby depose and state:

1. I am over 21 years of age and am competent to make this statement regarding the matters set forth below.
2. My counsel, on my behalf, accepted Notice of Deposition, dated January 16, 2008, and requesting my appearance before the Committee on Education and Labor of the House of Representatives, for the purpose of giving a deposition. I have reviewed the Notice of Deposition and have discussed it with my Counsel.
3. I have reviewed House Resolution 836 and the Rules of the Committee on Education and Labor (110<sup>th</sup> Congress), as amended December 5, 2007.
4. I have reviewed the letter sent by my Counsel to Hon. Patrick Findlay dated January 18, 2008.
5. I have had full and ample opportunity to discuss with my Counsel both the proposed deposition and my Constitutional rights, and have determined that I will follow my attorney's advice by respectfully invoking my rights under the 5<sup>th</sup> Amendment of the Constitution of the United States.
6. This will confirm the content of a letter from my Counsel, Mr. Charles E. Ricketts, Jr., to Hon. Patrick Findlay and Hon. Michael Zola of the Committee on Education and Labor, which states my decision, describes the rationale therefor, and further states that, if I were to appear at the deposition, whether by virtue of notice or of subpoena, and regardless of location, I would invoke my 5<sup>th</sup> Amendment rights in response to any and all questions relating to the matter under investigation.
7. This affidavit is presented with the request that it stand as my statement in lieu of my personal appearance before the Committee.

  
GARY PEACOCK

Subscribed to and sworn before me  
this 30 day of January 2008.

My Commission expires:

April 24, 2011

[Redacted Signature]  
Notary Public

