

STATEMENT OF NICHOLAS J. SHEEHAN

I, Nicholas Sheehan declare,

1. As a result of my direct involvement in the matters set forth below, I have personal and firsthand knowledge of the facts set forth in this declaration, and I could and would testify competently to such facts if called as a witness.
2. In the summer of 2006, I began looking into LSAT prep classes. According to many of my friends and several of my co-workers who had either taken the LSAT or prepared to take it, TestMasters was the best course around. They cited TestMasters' requirement that all of their instructors take an actual LSAT and score in the 98% percentile as well as the significant amount of in-class and out of class practice for the course as evidence of its superiority.
3. Intrigued by what I had heard, I Googled the name TestMasters and the search returned www.testmasters.com. I clicked on the link and the website that appeared looked legitimate; they were offering the course in a convenient location and I could qualify for an early registration discount of \$200 so I signed up online using my mother's credit card. At this point, I did not think I had anything to worry about.
4. After registering I received an email from "Test Masters" with two attachments containing agreements. They said I needed to sign the agreements August 14th at 3:00 pm CST.
5. I missed the deadline because the attachments they sent would not open. I asked them to resend the agreement. They did. I opened the agreement. The document was extremely long and it looked like a form document. I skimmed the document and quickly signed and faxed the agreement in. I had already missed the deadline to turn it in, so I felt I needed to rush.
6. I showed up to class on the first day. Nothing in my experience with www.testmasters.com up to this point had seemed unusual. However, certain things began to seem strange. First, upon entering the Courtyard Marriot (the location of the class) I was stopped by a security guard. He asked me for my ID which I presented and then checked my name against a list. I reasoned that the hotel didn't want too many random non-guests wandering around the premises. The guard let me pass and pointed me to the elevator which would take me to floor my class was on. Upon exiting the elevator and turning left I encountered a second security guard sitting at table in front of the entrance to the room. This security guard was flanked by another man in a suit who also appeared to be hotel security staff. Guard number two asked for my I.D. and since I already had it out of my backpack, I presented it promptly. While it seemed odd that they needed to check my identification twice, I shrugged it off and went into the classroom.
7. Almost as soon as I took my seat, the instructor, Shawn, handed me an agreement and asked me to sign it. He explained to me and later to the class as a whole that it was basically the same thing I signed before but that I needed to sign it again. I found this strange. I asked myself, "Didn't I already sign this? Didn't I rush to get it in because I missed the deadline for submitting it?" I guess I should have

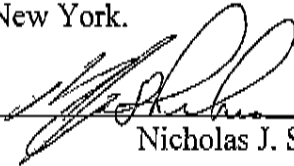
figured something was up; I realize now that they were attempting to make sure they would keep our money in case we found out that their class was a fraud and that we had intended on taking the real TestMasters, but at the time, none of this occurred to me.

8. About thirty people showed up to this class. At this time none of us had any reason to know that we had been duped.
9. When the class got underway, other students started asking the teacher Shawn what he scored on the LSAT and what he did for a living. He was evasive as to his score and said something along the lines of, "I could tell you I scored a 180, but you would never know the difference because I could be lying so let's not worry about that and let's go on." As to what he did when he was not teaching this prep class, he explained that he was in night school at the University of Houston's law School. I thought it was very weird that he was flying back and forth to Houston, but thought that maybe Test Masters flew him to teach in New York because he was a very good teacher.
10. Shaw taught all four classes the first weekend (two classes on Saturday and Sunday each.) dealing primarily with the logic games section of the test. He was a terrible teacher. For example, when he was asked specific, pointed questions he was often unable to respond and would become visibly frustrated and flustered. Significantly, while he could sometimes explain why an answer was right, he could never fully explain why an answer was wrong. When asked why an answer choice was wrong, he often responded, "Because the other answer is right."
11. The second and third weekends' classes (classes six through fourteen) were taught by Aruna, who I later learned was the owner's wife. Aruna covered the logical reasoning and writing sections of the test. We asked her about her qualifications and she was just as evasive as Shawn. She said she did well on the LSAT but then discouraged us from talking about scores with her or among ourselves. While Aruna was a better speaker than Shawn, she simply did not know the subject matter well enough to be teaching it. Much like Shawn, while she could sometimes explain satisfactorily why an answer was correct, she could never explain fully why all the other answers were wrong.
12. The materials we used for the course were bogus. They were basically just a bunch of tests thrown together with no strategies or explanations. I could have bought these questions from LSAC.
13. I went to all of their classes in the first three weeks and each week I became increasingly concerned because my score was not going up and the instruction was getting worse.
14. I recalled Aruna disparaging some internet law school forums where students claimed that they had learned how to "beat the LSAT." My scores were falling and my dissatisfaction with the level of instruction was rising so I figured I should at least check out these claims - Aruna certainly wasn't doing anything for me. So I Googled the phrase "Beat the LSAT." I found a message board and started reading through it. One of the message strings concerned a debate over which LSAT course was the best. There were about 40 messages in that string. There was a substantial amount on how great TestMasters was. I couldn't explain these messages. I was taking the Test Masters course and it was horrible.

15. One of the later postings in the message string contained a question about which Test Masters course to take. The posts' author had found two Test Masters courses and wanted to know which one was the real Test Masters. A second person helpfully replied advising the first student to take the Robin Singh course and not the Testmasters course based out of Texas because it was a bullshit podunk course. I was totally shocked. I realized I was taking the "bullshit" test masters Course.
16. I made this discovery at work and for the next half hour I totally freaked out. I kept researching and reading up on this issue on the internet, where I came across more material about how the Texas Company is duping students and fraudulently pretending to be the other Robin Singh California Testmasters.
17. I called my Mom and apologized for taking the wrong course and I told her that I would need to take another course and that I would have to put off taking the LSAT until December.
18. I then went to the real TestMasters website at www.testmasters180.com. When the page opened in my browser I thought: *Of course this is the real TestMasters website; the scores of their instructors are actually published, the scores of their students are published, Robin Singh's name is mentioned.* It immediately became apparent to me that I had in fact spent three weeks of my life in a fake course with terrible instructors and course materials and paid over \$1,000 for it.
19. I then paid another \$1250 and registered for the real TestMasters and delayed my LSAT date until December.
20. The difference between the two TestMasters classes is like night and day. My instructor at the real TestMasters is Ross Cuff, who scored a 180 on the actual LSAT and is an awesome instructor. The materials are amazing. They explain important key concepts like the sufficient-necessary, the logic behind the test, and they contain explanations of why answers are right and wrong—which I personally find extremely important. I simply cannot put into words how unbelievably different it is to take the real TestMasters as opposed to the fake Testmasters. My real TestMasters instructor Russ Cuff is able to explain the problems clearly and confidently, unlike my instructors Shawn and Aruna at the "bullshit" TestMasters.
21. During a real TestMasters course around the second week of the class, I recognized a girl I had taken fake TestMasters with, Gigi Gibbs. When we saw each other at break we immediately realized what had happened and that we had both been duped. Gigi explained that she had tried to get a refund and that when she called to explain her situation to a representative at the real TestMasters, she was immediately forwarded to Sharon Naim, a lawyer for TestMasters. Gigi forwarded me Sharon's contact information. I wanted to see if it was possible to get my money back, so I quickly got in touch with her.
22. Sharon gave me some helpful advice.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct, and that this declaration was executed on 12/6/06 at 151 W 30th St., New York.

(3:37pm)



Nicholas J. Sheehan