

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBIN SINGH EDUCATIONAL
SERVICES, Inc., d/b/a
TESTMASTERS

Plaintiffs,

v.

TEST MASTERS EDUCATIONAL
SERVICES, INC. AND VIVEK ISRANI,

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

C. A. No. H-03-3348

JUDGE VANESSA D. GILMORE

DECLARATION OF DAN NOBLE

- 1) My name is Daniel S. Noble. I am over 21 years of age. I have personal knowledge of the facts stated herein, and they are all true and correct.
- 2) I went to Stanford University in California. I graduated in June 2001.
- 3) I heard about the TestMasters LSAT Prep Class from a friend who took it in San Francisco. My friend told me that he took the course and had a great experience. I had been considering Kaplan, The Princeton Review, and TestMasters. My friend told me to definitely take the TestMasters course because they offered more hours and the instructors had all taken the LSAT and scored in the 99th percentile.
- 4) I went to what I thought was the correct website for TestMasters, www.testmasters.com, and it brought up what I believed to be the website of the TestMasters I was looking for. The website said that the company had been offering preparation test services for a variety of exams (they listed the LSAT specifically) since 1991. I researched their course offerings in Washington, D.C., but the website did not indicate the location for the course or the enrollment deadline. I sent an e-mail to the company on August 5, 2003 to inquire about the location and deadline for enrollment. I never received a response to my e-mail.
- 5) Fearing the class in Washington D.C. would fill up, I downloaded the registration form to enroll in the LSAT preparation course that was scheduled to begin on August 23, 2003. I faxed the registration form with my payment information to the company's office in Houston. When I did not receive any confirmation of my registration after approximately a week, I sent another e-mail to the company on August 18, 2003 to inquire about the location of the course and to see if they were going to provide any materials before the course started response to my e-mail.
- 6) I attempted to contact the company directly by calling t they referred me to their toll-free LSAT number. When number, I received an answering service and left a mess

EX. D

on several occasions. When I finally did get someone on the phone, she said that the director of the LSAT program was unavailable but I could leave a message. I became very frustrated because every time I called there was never anyone from the LSAT program available to assist me. This seemed odd to me since this company supposedly specialized in preparing students for the LSAT. Furthermore, it took the company several weeks to charge my credit card for the enrollment fee. I was very surprised by their disorganization because I had heard so many great things about TestMasters.

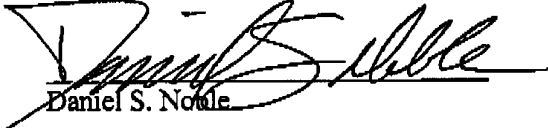
- 7) Three days before the course was scheduled to begin, a woman from the company finally called me. She told me that they did not currently have an instructor to teach their course in Washington, D.C. and that they were postponing the first class. She promised to call me a week later to give me the location of the class. A woman called me approximately one week later and informed me that the course was going to be held at the Courtyard Marriott in D.C.
- 8) A woman named Aruna taught the first class. On the first day, Aruna told us that she had never taken the LSAT, but that she had taken the GMAT and it was similar in content to the LSAT. She said she would teach the first part of the course until they found someone to teach the remainder of the classes. Aruna provided us with their workbook, which was laden with errors, poor explanations, and had missing pages. We also received two books of 10 Actual LSATs from the Law School Admissions Council. This was the extent of the course materials distributed to us.
- 9) The qualifications of the second instructor, Sean, were also unclear. When other students in the course inquired about how long he had been teaching the LSAT prep course, he said it was his first time. We also asked him how well he had done on the LSAT (since we were under the impression that all instructors at TestMasters had scored in the 99th percentile); Sean was vague in his response. I became more confused when Sean told us that he was going to take the LSAT again to improve his score in order to qualify for scholarships (since I was under the impression that he had scored in the 99th percentile). There were several instances when Sean got practice questions wrong and we had to correct him. Sean also told us that in the past, their course helped students improve their scores an average of 7 points, but that in reality, our performance would depend on our individual efforts.
- 10) When we took "proctored" exams, which were supposed to replicate the real LSAT, Sean would leave the room to watch football games in the hotel lobby. He also did not make us practice the writing section. Nor did the tests we took have the extra experimental section. Thus, we NEVER took a practice test that actually replicated the LSAT exam under realistic test-taking conditions. Another strange occurrence was when Sean had one of his friends proctor one of our exams; it was unclear if this person had taken the LSAT or not.
- 11) All of this led me to conclude that TestMasters was completely unprofessional. I was surprised that they had such a great reputation and I began to wonder if there was something weird going on. I remarked to my friend that the class did not seem like the TestMasters class I had heard so many good things about.

Everything about the class and company was unprofessional and disorganized; it was as if they had thrown the course together in a couple of days.

- 12) I have now learned that I took the wrong TestMasters LSAT preparation course. I feel defrauded and deceived. I believe that the TestMasters I contacted should, at the very least, have a notice on their website to inform students that they are not the nationally recognized TestMasters program that students know and look for. I would never recommend the phony TestMasters course to anyone.
- 13) Because of their misrepresentations, I am out \$1,300 and a lot of time. I believe that if I had taken the real TestMasters, I would have received more hours of instruction, better preparation materials, more qualified instructors, and that the classes probably would have improved my performance on the LSAT.

I, Daniel S. Noble, declare under penalty of perjury that the foregoing is true and correct:

Executed this 4th day of NOVEMBER, 2003, at WASHINGTON DC.


Daniel S. Noble