

EXHIBIT 12

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VIA FEDEX

Mr. Mark James Ferguson
3831 Fawcett Avenue
Tacoma, WA 98418

Re: DEMAND FOR DAMAGES – Reference 2007/0210

Dear Mr. Ferguson:

I serve as legal counsel to e360Insight, LLC, and as such, am in receipt of your correspondence dated February 9, 2007. This letter responds to such correspondence.

First, it appears that the Washington State law you cite in your letter – RCW 19.190 – has been pre-empted by the Federal Can Spam Act. As such, my client's actions should be viewed under the requirements set forth in the Can Spam Act rather than the Washington statute (which was passed a number of years before the Federal law). My client's e-mail policies are in full compliance with the restrictions set forth in the CAN SPAM Act, and, incidentally, the pre-empted Washington State law.

Your letter seems to be predicated on the assumption that certain e-mails sent by my client were somehow illegal, but you never substantiate this allegation. My client's records clearly illustrate that you signed up to receive each and every e-mail you included with your letter at one of my client's partner web sites. Confirmation e-mails were sent to you, each offering an opportunity to opt out if you changed your mind. You chose not to unsubscribe within any of these e-mails, and continued to choose not to unsubscribe via the one-click option offered in all subsequent e-mails to you. Finally, none of my client's e-mails contained illegal (deceptive) header or address information.

In addition, the cases you cite in your letter are not relevant to the situation at hand. Both Heckel and Khuri were initiated prior to the passage of the CAN SPAM Act, and as such, have no bearing on my client's actions in the State of Washington. Furthermore, the fact pattern in the cases you cite bears no resemblance whatsoever to the actions of my client. For example, in Heckel the "spammer" stole a third party's domain name to send e-mail messages (13.com), opened accounts for the sole purpose of sending unsolicited commercial e-mail and closed such accounts within 2 days of each bulk mailing, and used deceptive e-mail headers such as "Did I get this e-mail right". My client has done none of these things.

Finally, please be advised that my client takes all attempts to interfere with its legal and legitimate business practices quite seriously. As you are likely aware, my client has recently received a favorable judgment against Spamhaus from United States District Court case number 06 C 3958. Among other things, the Court issued a permanent injunction against Spamhaus

requiring Spamhaus to remove my client's ip addresses from its blacklist. It appears, from a number of your recent online posts at various usenet message boards (including NANAE), that you are on something of a crusade against unsolicited e-mail, and in particular, my client. To wit, you recently posted that "[t]hese spammers are going to be funding my semi-retirement and with what e360Insight will be paying with the other spammers; this is going to be a good year and I am already buying a second home." While you are certainly entitled to take appropriate actions against illegal "Spammers", my client will not, under any circumstance, tolerate attempts to profit from its legal e-mail activities by threat of lawsuit.

Based on your letter my client will, however, suppress all further e-mails to your account.

If you have any questions regarding the foregoing, please feel free to call me at (312) 925-8870.

Very truly yours,



Darren M. Green, Esq.

Cc: e360Insight, LLC