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**FILED**  
NOV. 5, 2007  
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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF ILLINOIS**  
8 **EASTERN DIVISION**

9 E360INSIGHT, LLC,  
10 DAVID LINHARDT,  
11 Plaintiffs,

Case No.: 1:06-CV-03958

**AFFIDAVIT OF WILLIAM  
SILVERSTEIN SUBMITTED IN  
REGARDS TO DAMAGES**

11 vs.  
12 THE SPAMHAUS PROJECT aka  
13 THE SPAMHAUS PROJECT LTD,  
14 Defendant.

1 State of California )  
2 ) SS  
3 County of Los Angeles )

4 **Affidavit of William Silverstein**

5 I, William Silverstein, under oath states as follows:

6 1. I am an individual over 18 years of age and am competent to testify. I have personal  
7 knowledge of the matters stated in this affidavit and can and will truthfully testify as to  
8 those matters.  
9

10 2. I am the Plaintiff in Case No.CV07-02835, Silverstein v. e360Insight, et al.  
11 (“Silverstein action”) which is pending in the Federal District Court for Central  
12 California.  
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14 3. In the Silverstein action, in my opposition to oppose David Linhardt’s 12(b)(2)  
15 motion (“the opposition”), I cited Linhardt’s affidavit, filed in 06-cv-03958 (“the  
16 Spamhaus case”), document number 20-2. (“the Spamhaus declaration.”)  
17

18 4. I specifically referred to paragraphs 32 and 33 of the Spamhaus declaration, where  
19 Linhardt stated “e360 and I” in regards to lost contracts and lost opportunities.  
20

21 5. In the opposition I provided undisputed evidence that four of the seven companies  
22 referenced in the Spamhaus declation have principal places of business in California.  
23

24 6. In Linhardt’s reply brief to the opposition, Linhardt submitted a declaration which  
25 stated, under oath, that he did not personally suffer harm in the Spamhaus case.  
26

27 7. A true and accurate copy of the reply brief, including the aforementioned declaration  
28 is attached as “Exhibit A.”

1 8. Linhardt's motion to dismiss for lack of personal jurisdiction was granted. A true  
2 and accurate copy is attached as "Exhibit B."

3  
4 9. Linhardt's dismissal for lack of jurisdiction, in the Silverstein case was granted in  
5 part based on his declaration that he did not personally suffer any harm in the Spamhaus  
6 case. Please see Exhibit B, pages 12, 13.

7  
8 10. I never affirmatively consented to receive any e-mail from e360Insight, LLC. or any  
9 related company.

10 11. I received unsolicited commercial e-mail ("spam") from e360Insight or its related  
11 companies, each of which violated both California and Federal law..

12  
13  
14 I declare that the foregoing is true and correct to the best of my knowledge under the  
15 pains and penalty of perjury under the laws of the United States of America. Executed on  
16 October 26, 2007 in Los Angeles, California.

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28



William Silverstein

State of California  
County of Los Angeles } ss.

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

On 10/26/07, before me, Evelyn J. Abasi  
Date Printed Name of Notary Public

personally appeared William Silverstein  
Printed Name(s) of signer(s)

- personally known to me or
- proved to me on the basis of satisfactory evidence:
  - form(s) of identification TX ID: 17369021
  - credible witness(es) \_\_\_\_\_

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Evelyn J. Abasi  
Signature of Notary Public

(Seal)

## OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled for the purpose of Affidavit of William Silverstein containing 2 pages, and dated Oct. 24, 2007

The signer(s) capacity or authority is are as:

- Individual is
- Attorney-in-fact
- Corporate Officer(s) \_\_\_\_\_ Title(s) \_\_\_\_\_
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information	
<input type="checkbox"/> Additional Signer(s)	Signer(s) Thumbprint(s)
<input type="checkbox"/> Other	

EXHIBIT A

EXHIBIT A



Joseph L. Kish  
Phone: 312.454.0015  
jkish@synergylawgroup.com

August 3, 2007

**VIA FACSIMILE (214)-894-8555**

Hon. Christina A. Snyder  
c/o of Catherine Jeang  
Courtroom 5, 2<sup>nd</sup> Floor  
312 N. Spring Street  
Los Angeles, CA. 90012

Dear Judge Snyder:

Attached per your clerks request please find David Linhardt and Moniker Online Services, LLC's Response To Plaintiffs Supplemental Brief On Defendant's Motion to Dismiss for Lack of Jurisdiction and Defendant's Supplemental Disclosure Statement. The Court requested the Supplement Disclosure Statement during the hearing on June 25, 2007 in order to clarify the Linhardt entities. We are filing with the clerk identical copies to those being provided to you, and will provide Plaintiff counsel with copies of this letter and the attached filings via e-mail (plaintiff's counsel has requested that we not deliver anything via facsimile) and US mail. Please contact me if you have any questions regarding these filings.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph L. Kish", is written over a printed name. The signature is fluid and cursive, with a large initial 'J' and 'K'.

Joseph L. Kish

JLK:kms

Attachments  
cc: F. Bari Nejadpour