

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

E360INSIGHT, LLC,)	
an Illinois Limited Liability Company, and)	
DAVID LINHARDT, an individual)	
)	
Plaintiffs,)	06 CV 3958
)	
v.)	Judge Kocoras
)	
THE SPAMHAUS PROJECT,)	Magistrate Judge Brown
a company limited by guarantee and)	
organized under the laws of England, aka)	
THE SPAMHAUS PROJECT LTD,)	
)	
Defendant.)	

MOTION TO WITHDRAW PREVIOUSLY FILED MOTIONS

Plaintiffs, e360Insight, LLC and David Linhardt (collectively Plaintiffs), by and through their attorneys, Synergy Law Group, LLC, respectfully requests that this Court allow Plaintiffs to withdraw their previously filed Motion for a Rule to Show Cause and Motion to Compel. In support of this motion Plaintiffs state:

1. On May 14, 2007, Plaintiffs filed a Rule to Show Cause and noticed it for May 31, 2007 at 9:30 a.m. Attached as Exhibit A is a copy of the Rule to Show Cause, without exhibits.

2. On May 22, 2007, Plaintiffs filed a Motion to Compel and noticed it for May 31, 2007 at 9:30 a.m. Attached as Exhibit B is a copy of the Motion to Compel without exhibits.

3. Plaintiffs wish to withdraw the Rule to Show Cause and the Motion to Compel.

WHEREFORE, Plaintiffs, e360Insight, LLC and David Linhardt, respectfully request that this Court allow Plaintiffs to withdraw their Motion for a Rule to Show Cause and their Motion to Compel without prejudice.

Respectfully submitted,

E360Insight, LLC. and David Linhardt

By: /s/ Daniel J. Peters
One of Their Attorneys

Bartly J. Loethen
Joseph L. Kish
Daniel J. Peters
Synergy Law Group, LLC
730 West Randolph, 6th Floor
Chicago, Illinois 60661
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion to Withdraw Previously Filed Motions** was served upon the attorneys listed below electronically through CM/ECF on May 29, 2007.

Chad Emerson Bell cbell@jenner.com

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 One of Their Attorneys

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EXHIBIT

A

IN THE UNITED STATES DISTRICT COURT FOR THE
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THE SPAMHAUS PROJECT LTD,)	
)	
Defendant.)	

MOTION FOR A RULE TO SHOW CAUSE

Plaintiffs, e360Insight, LLC and David Linhardt (collectively Plaintiffs), by and through their attorneys, Synergy Law Group, LLC, respectfully requests that this Court issue a rule to show cause why Defendant The Spamhaus Project, aka The Spamhaus Project Ltd., (Defendant) should not be held in contempt for its failure to comply with this Court's Order of March 20, 2006. In support of this motion Plaintiffs state:

1. On March 15, 2007, Plaintiffs filed a motion for a Rule to Show Cause as to why Defendant had not provided Plaintiffs with information concerning Spamhaus Technology, LTD. A copy of the Motion is attached hereto as Exhibit A.

2. At a hearing on the Motion, this Court denied the Motion but directed Defendant to "respond to all reasonable questions". A copy of the Order is attached hereto as Exhibit B.

3. Defendant has not complied with this Court's Order.

4. On March 26, 2007, counsel for Plaintiffs wrote to counsel for Defendant seeking information related to Spamhaus Technology, LTD. A copy of the letter is attached hereto as Exhibit C.

5. In the letter to counsel for Defendants, Plaintiffs requested the following information regarding Spamhaus Technology, LTD:

- a. The office address for Spamhaus Technology, LTD;
- b. A list of officers or board members and compensation paid to each;
- c. A list of investors, if any, identifying the amount of the investment;
- d. A list of employees including their salaries and/or other payments made to the employees for the past two (2) years;
- e. A list of owners (including percentage of ownership);
- f. Accounts receivables for the past 2 years (including a list of companies subscribing to Spamhaus Technology, LTD's services);
- g. Accounts payable for the past 2 years;
- h. Bank statements for the past 2 years;
- i. Profit and loss ledgers for the past 2 years; and,
- j. The dates and amounts of any dividends paid to shareholders.

6. Counsel for Defendant responded by letter stating that Defendant would only provide the office address of Spamhaus Technology, LTD, a list of officers, board members, investors and owners of Spamhaus Technology, LTD and the charter for Spamhaus Technology, LTD. A copy of the letter is attached hereto as Exhibit D. To date, Defendant has provided no information, including the information it agreed to produce, which would be insufficient in any respect, concerning Spamhaus Technology, LTD.

7. The information sought by Plaintiffs is reasonable in Plaintiffs' attempt to ascertain the connection between Defendant and Spamhaus Technology, LTD and to discovery potential assets that could be used to satisfy the judgment entered against Defendant.

WHEREFORE, Plaintiffs, e360Insight, LLC and David Linhardt, respectfully request that this Court enter an Order for a Rule to Show Cause as to why Defendant should not be held in contempt for failure to fully comply with this Court's Order and sanction them in the amount of Plaintiffs' reasonable attorney's fees in connection with bringing this motion.

Respectfully submitted,

E360Insight, LLC. and David Linhardt

By: /s/ Daniel J. Peters
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion for a Rule to Show Cause** was served upon the attorneys listed below electronically through CM/ECF on May 14, 2007.

Carrie A Fino cfino@jenner.com

Stephen M Geissler sgeissler@jenner.com,

Joseph L Kish jkish@synergylawgroup.com

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And I hereby certify that I have mailed by the United States Postal Service the document to the following non CM/ECF participants:

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By: /s/ Joseph L. Kish
One of Their Attorneys

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EXHIBIT

B

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THE SPAMHAUS PROJECT LTD,)	
)	
Defendant.)	

MOTION TO COMPEL

Plaintiffs, e360Insight, LLC and David Linhardt (collectively Plaintiffs), by and through their attorneys, Synergy Law Group, LLC, respectfully requests that this Court Compel The Spamhaus Project, aka The Spamhaus Project Ltd., (Defendant) to comply with this Court's Order of March 20, 2006. In support of this motion Plaintiffs state:

1. On March 15, 2007, Plaintiffs filed a motion for a Rule to Show Cause as to why Defendant had not provided Plaintiffs with information concerning Spamhaus Technology, LTD. A copy of the Motion is attached hereto as Exhibit A.
2. At a hearing on the Motion, this Court denied the Motion but directed Defendant to "respond to all reasonable questions". A copy of the Order is attached hereto as Exhibit B.
3. Defendant has not complied with this Court's Order.

4. On March 26, 2007, counsel for Plaintiffs wrote to counsel for Defendant seeking information related to Spamhaus Technology, LTD. A copy of the letter is attached hereto as Exhibit C.

5. In the letter to counsel for Defendants, Plaintiffs requested the following information regarding Spamhaus Technology, LTD:

- a. The office address for Spamhaus Technology, LTD;
- b. A list of officers or board members and compensation paid to each;
- c. A list of investors, if any, identifying the amount of the investment;
- d. A list of employees including their salaries and/or other payments made to the employees for the past two (2) years;
- e. A list of owners (including percentage of ownership);
- f. Accounts receivables for the past 2 years (including a list of companies subscribing to Spamhaus Technology, LTD's services);
- g. Accounts payable for the past 2 years;
- h. Bank statements for the past 2 years;
- i. Profit and loss ledgers for the past 2 years; and,
- j. The dates and amounts of any dividends paid to shareholders.

6. Counsel for Defendant responded by letter stating that Defendant would only provide the office address of Spamhaus Technology, LTD, a list of officers, board members, investors and owners of Spamhaus Technology, LTD and the charter for Spamhaus Technology, LTD. A copy of the letter is attached hereto as Exhibit D.

7. To date, Defendant has only provided the address of Spamhaus Technology, a list of names under the heading of officers, board members, investors and owners of Spamhaus Technology, LTD without identifying the capacity of the individuals, and, the Spamhaus Technology, LTD Charter.

8. The information sought by Plaintiffs is reasonable in Plaintiffs' attempt to ascertain the connection between Defendant and Spamhaus Technology, LTD and to discovery potential assets that could be used to satisfy the judgment entered against Defendant.

WHEREFORE, Plaintiffs, e360Insight, LLC and David Linhardt, respectfully request that this Court enter an Order Compelling Defendant to fully comply with this Court's Order by providing Plaintiffs with the following information concerning Spamhaus Technology, LTD:

- a. A list of officers or board members and compensation paid to each;
- b. A list of investors, if any, identifying the amount of the investment;
- c. A list of employees including their salaries and/or other payments made to the employees for the past two (2) years;
- d. A list of owners (including percentage of ownership);
- e. Accounts receivables for the past 2 years (including a list of companies subscribing to Spamhaus Technology, LTD's services);
- f. Accounts payable for the past 2 years;
- g. Bank statements for the past 2 years;
- h. Profit and loss ledgers for the past 2 years; and,
- i. The dates and amounts of any dividends paid to shareholders.

and sanction Defendant in the amount of Plaintiffs' reasonable attorney's fees in connection with bringing this motion.

Respectfully submitted,

E360Insight, LLC. and David Linhardt

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Motion to Compel** was served upon the attorneys listed below electronically through CM/ECF on May 22, 2007.

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