

**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,)	Case No. 08 c 442
)	
v.)	
)	JURY DEMAND
MARK JAMES FERGUSON, an individual, SUSAN WILSON A.K.A. SUSAN GUNN, an individual, and KELLY CHIEN, an individual,)	
)	
Defendants.)	
)	

JOINT STATUS REPORT

Pursuant to this Court’s standing Order, Plaintiff, e360Insight, LLC and David Linhardt and Defendant, Mark James Ferguson, submit this Joint Status Report in advance of the Initial Status Hearing scheduled for March 27, 2008 at 9:00 a.m.:

A. Nature of the Case.

1. The lead attorneys on the case:
 - Plaintiffs – Joseph L. Kish, Synergy Law Group, LLC
 - Defendant Ferguson – Pro se

2. Basis for federal jurisdiction:
 - Diversity Jurisdiction and the amount in controversy exceeds \$75,000.00.

3. Nature of the claims asserted in the complaint and any counterclaims:
 - Plaintiff asserts claims based on defamation, tortious interference with a prospective business advantage and tortious interference with a contract.
 - No counterclaims have been filed.

4. Name of any party that has not been served and the nature of the non-service:

- Defendants Chein and Wilson have not been served. Both Defendants were sent waiver of service requests and neither returned the waiver (due February 28, 2008). Plaintiff is currently attempting to serve both Defendants through a special process server.

5. Principal legal issues:

- A determination as to whether postings on an internet message board referring to Plaintiff as sender of “spam” is actionable.
- A determination as to whether the actions of Defendants in posting allegedly defamatory statements referring to Plaintiffs as senders of “spam” and sending such allegedly defamatory statements to e-mail blocking entities and Internet Service Providers constitutes a tortious interference with a prospective business advantage.
- A determination as to whether the alleged action of Defendants in contacting Internet Service Providers, with which Plaintiff had contracts, with the alleged intent of interfering with those contracts constitutes tortious interference with a contract.

6. Principal factual issues:

- Whether the alleged statements by Defendants constitute defamation; whether the alleged posting of defamatory statements resulted in lost business opportunities for Plaintiff; and, whether the alleged contacting of entities with which Plaintiff had valid contracts and repeating allegedly defamatory comments to those entities interfered with Plaintiff’s valid contracts with those entities.

B. Discovery.

1. Brief description of completed discovery and any remaining discovery:

- Defendant Ferguson has provided documentation related to his defense that he received unwanted commercial e-mail.
- The Parties have not yet exchanged formal discovery and anticipate written and oral discovery.

2. Brief description of any pending motions and anticipated motions;
 - Defendant Ferguson has filed but not noticed the following motions:
 - Motion to Dismiss based on lack of personal jurisdiction;
 - Motion for Continuance; and,
 - Motion for telephone conference based on Forum Non Conveniens.
3. Brief description of any previously entered rulings on substantive issues:
 - None.
4. Any previously filed status reports:
 - None.

C. Trial

1. If a trial is anticipated whether the parties consent to proceed before a Magistrate Judge:
 - At this point the parties are unable to assess whether there will be a need for trial or whether the parties can mutually work to resolve the dispute.
2. If a trial is anticipated, how long the trial will take and whether a jury is requested:
 - A trial in this case should take no more than 4 days;
 - A jury trial demand has been made by Plaintiff.

D. Settlement

1. Status of any settlement discussions and whether the parties request a settlement conference.
 - Plaintiff and Defendant Ferguson have been in settlement discussions and have come to an agreement in terms of the monetary considerations at issue and are currently working to resolve certain aspects of the negotiations.

Respectfully submitted,

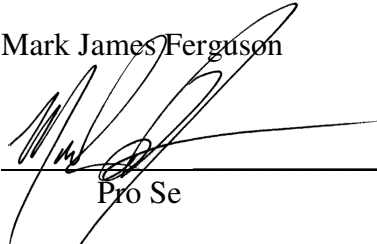
E360Insight, LLC. and David Linhardt

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

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