

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

E360INSIGHT, LLC, and)	
DAVID LINHARDT, an individual)	
)	
Plaintiffs,)	06 CV 3958
)	
v.)	Judge Kocoras
)	
THE SPAMHAUS PROJECT,)	Magistrate Judge Brown
)	
Defendant.)	

**PLAINTIFFS’ OBJECTION TO SUPPLEMENTAL MEMORANDUM IN
OPPOSITION TO PLAINTIFFS’ MOTION TO COMPEL**

Plaintiffs, e360Insight, LLC and David Linhardt (collectively Plaintiffs), by and through their attorneys, Synergy Law Group, LLC, object to the Supplemental Memorandum in Opposition to Plaintiffs’ Motion to Compel filed by The Spamhaus Project, aka The Spamhaus Project Ltd., (Defendant) as follows:

1. On June 14, 2007, this Court entered an Order directing both parties to file supplemental briefs regarding Plaintiffs’ Motion to Compel, limiting this briefing to two pages. (Docket # 102).
2. Pursuant to this Court’s Order, Plaintiffs filed their two page supplemental brief on June 21, 2007.
3. On June 28, 2007, in violation of this Court’s Order, Defendant filed a five page supplemental brief.
4. Defendant’s supplemental brief should be stricken for failing to comply with this Court’s Order for this reason alone.
5. Defendant’s supplemental brief relies entirely on a declaration by Steve Linford that is based on inadmissible hearsay. Specifically, the Linford Declaration, at ¶ 1 states, alternatively, without any further direction, that it is based either on personal knowledge or “on the basis of information obtained from various sources...” (See

Declaration of Steve Linford attached to Defendant's supplemental memorandum.
(Docket # 107))

6. Based on the contents of the Linford Declaration, only ¶4 can be unequivocally ascertained as within Mr. Linford's personal knowledge. The remainder of the Linford Declaration is, or because of the lack of foundational facts contained in the Linford Declaration might, be inadmissible hearsay.

7. Statements based on hearsay are inadmissible. See Fed. R. Evid. 802. Defendant's supplemental memorandum, which is premised entirely on the Linford Declaration, should thus be stricken.

Wherefore, Plaintiffs request that this Court strike Defendant's supplemental brief and for any other relief that this Court deems just.

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 **Objection to the Supplemental Memorandum in Opposition to Plaintiffs' Motion to Compel** was served upon the attorneys listed below electronically through CM/ECF on July 2, 2007.

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