

**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 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

Bartly J. Loethen
Joseph L. Kish
Daniel J. Peters
Synergy Law Group, LLC
730 West Randolph, 6th Floor
Chicago, Illinois 60661
Telephone: (312) 454-0015
Facsimile: (312) 454-0261

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

Daniel J. Peters dpeters@synergylawgroup.com

Craig Christopher Martin cmartin@jenner.com, docketing@jenner.com

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

Matthew M. Neumeier
Howery, LLP
321 N. Clark St, Suite 3400
Chicago, Illinois 60610

By: /s/ Joseph L. Kish
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
Telephone: (312) 454-0015
Facsimile: (312) 454-0261

EXHIBIT

A

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

E360INSIGHT, LLC,)	
an Illinois Limited Liability Company, and)	
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THE SPAMHAUS PROJECT,)	Magistrate Judge Brown
a company limited by guarantee and)	
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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 the citation to discover assets served on Defendant on October 23, 2006. In support of this motion Plaintiffs state:

1. On September 13, 2006, in the United States District Court for the Northern District of Illinois, a judgment in the amount of \$11,716,971.05 was entered in favor of the Plaintiffs and against Defendant in Case No. 06 CV 3958 and a balance of \$11,716,971.05 remains unsatisfied. A copy of the Order is attached hereto as Exhibit A.

2. On October 23, 2006, Plaintiffs caused to be served a citation to discover assets directed to Defendant. A copy of the initial citation to discover assets is attached hereto as Exhibit B.

3. Included in the initial citation to discover assets, the Plaintiffs sought "Any and all information regarding all bank, money or other financial accounts, including but not limited to bank statements and check ledgers, in the name of The Spamhaus Project, LTD, and/or its officers and/or directors, along with such information for any of The Spamhaus Project, LTD's subsidiaries, successors or other related entities; for all such information, provide the name of the accounts, account numbers, amount of money currently held in each account and monthly statements for each said account for the past three years" ¶6 of Rider attached to Exhibit B.

4. Defendant filed a response to the initial citation to discover assets on November 10, 2006. A copy of Defendant's response to the citation to discover assets is attached hereto as Exhibit C.

5. For its response to ¶6 of the rider attached to the citation, Defendant, through its counsel, stated in pertinent part that "Spamhaus has no subsidiaries, successors, or other related entities *as that term is understood.*" See Exhibit C (emphasis added).

6. Defendant also submitted an affidavit from Steve Linford where Mr. Linford attested to the fact that "The Spamhaus Project, LTD has no subsidiaries, successors, parent companies, or other such related entities. See ¶6 of affidavit of Mr. Linford attached hereto as Exhibit D. (Unlike counsel for Defendant, Mr. Linford did not use any qualifications to his statement).

7. Through the use of subpoenas, Plaintiffs have discovered the existence of a fee generating Spamhaus entity known as Spamhaus Technology, LTD.

8. On information and belief, Spamhaus Technology, LTD is wholly owned by Mr. Linford. See Exhibit E.

9. The bills submitted to clients of Spamhaus Technology, LTD reference The Spamhaus Project explicitly and use a contact e-mail address with the same domain as The Spamhaus Project. See Exhibit F & G.

10. Spamhaus Technology, LTD has payments remitted to the same address as The Spamhaus Project. See Exhibit F & G.

11. Based on the foregoing, it is clear that Spamhaus Technology, LTD is at least a "related entity" as that term is used in the citation to discover assets.

12. Defendant and Defendant's counsel wrongfully withheld the existence of Spamhaus Technology, LTD from Plaintiffs.

13. Pursuant to Local rule 37.1, counsel for Plaintiffs e-mailed counsel for Defendant on March 13, 2007 in an attempt to resolve this matter without the need for court intervention. Counsel for The Spamhaus Project responded by stating that Spamhaus Technology is not owned by The Spamhaus Project. Counsel's response is inadequate. The citation sought information concerning other related entities, not just entities owned by The Spamhaus Project.

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 respond to Plaintiffs' citation to discover assets 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

Bartly J. Loethen
Joseph L. Kish
Daniel J. Peters
Synergy Law Group, LLC
730 West Randolph, 6th Floor
Chicago, Illinois 60661
Telephone: (312) 454-0015
Facsimile: (312) 454-0261

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 March 15, 2007.

Carrie A Fino cfino@jenner.com

Stephen M Geissler sgeissler@jenner.com,

Joseph L Kish jkish@synergylawgroup.com

Craig Christopher Martin cmartin@jenner.com, docketing@jenner.com

Matthew M. Neumeier mneumeier@jenner.com

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

Bartly J. Loethen
Joseph L. Kish
Daniel J. Peters
Synergy Law Group, LLC
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Chicago, Illinois 60661
Telephone: (312) 454-0015
Facsimile: (312) 454-0261

EXHIBIT A

Under Form 101-2007

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	06 C 3958	DATE	September 13, 2006
CASE TITLE	e360 Insight, LLC et al vs. The Spamhaus Project		

DOCKET ENTRY TEXT

Plaintiffs' motion [20] for default judgment and order for permanent injunction is granted in part and denied in part. Default judgment is entered in favor of the plaintiffs and against defendant for compensatory damages totaling \$11,715,000.00 for tortious interference with existing contractual relations and prospective economic advantage and \$1,971.05 in litigation costs. Plaintiffs' request for an award of \$15,000,000.00 in punitive damages and \$38,724.50 in attorneys' fees is denied. The Court enters a permanent injunction as described below.

[For further details see text below.]

Docketing to mail notices.
*Mail AO 450 form.

STATEMENT

ORDER

This matter has come before the court on the motion of Plaintiffs e360Insight, LLC and David Linhardt for default judgment on its complaint against Defendant The Spamhaus Project ("Spamhaus"). Though Spamhaus initially defended the action, it subsequently withdrew its answer and its attorneys withdrew their appearance. It has taken no further official action to challenge Plaintiffs' allegations. On August 23, 2006, Plaintiffs' motion for entry of default was granted. Plaintiffs have now submitted affidavits to support their request for compensatory damages totaling \$11,715,000 for tortious interference with existing contractual relations and prospective economic advantage and \$1,971.05 in litigation costs. Spamhaus has not countered Plaintiffs' claims of entitlement to this relief or the amounts requested, and they are therefore awarded.

Plaintiffs have also requested an award of \$15,000,000 in punitive damages and \$38,724.50 in attorneys' fees. However, nothing in the documentation filed in support of the instant motion indicates behavior so malicious and egregious that punitive damages are in order. Neither have Plaintiffs provided a basis for us to deviate from the standard rule of American litigation that a party to a lawsuit pays its own attorneys' fees absent some authority to shift the burden, such as a statute, a rule of procedure, or prior agreement of the parties. See, e.g., 42 U.S.C. § 1988; West Lafayette Corp. v. Taft Contracting Co., Inc., 178 F.3d 840, 842 (7th Cir. 1999); Fed. R. Civ. Proc. 37(a)(4)(A). Consequently, these amounts are not awarded.

Finally, Plaintiffs have requested entry of a permanent injunction. The facts Plaintiffs have alleged remain unchallenged. Accordingly, we find that Spamhaus has wrongfully placed Plaintiffs on its blacklist of companies who have sent spam email; tortiously interfered with Plaintiffs' contracts with its suppliers and customers; tortiously interfered with Plaintiffs' prospective economic advantage by blocking email Plaintiffs attempted to send; and defamed Plaintiffs by publishing false statements about Plaintiffs on its website. We hereby order that:

STATEMENT

1. Spamhaus shall not take any action to cause email sent by Plaintiffs or their affiliates, subsidiaries, or related companies owned or controlled by Plaintiffs to be blocked, delayed, altered, or interrupted in any way (including, without limitation, by listing Plaintiffs on Spamhaus's ROKSO list, within an SBL listing on Spamhaus's website, using blacklisting technology in concert or conjunction with others, or taking any other action to cause any such interference) unless Spamhaus can demonstrate by clear and convincing evidence that Plaintiffs have violated relevant United States law. Such clear and convincing evidence may only be shown after proving Plaintiffs with an opportunity to review any alleged offending email, including a review of the email header and content (in its entirety), and providing Plaintiffs with an opportunity to show the offending email was not sent in violation of United States law to the satisfaction of a reasonable person. If such clear and convincing evidence is shown, then and only then may Spamhaus list the Internet Protocol (IP) address, and only the IP address, from which the offending email was sent on its website.

2. Spamhaus shall not list entire networks or ranges of IP addresses owned or operated by Plaintiffs simply because they are registered in the Plaintiffs' names or physical addresses without meeting the clear and convincing standard for the IP address in question.

3. Spamhaus shall post, within five business days of the date of this order, on its website at both the main home page and at the ROKSO jump page, a message of 1 inch by 1 inch, the text of which is to be reasonably approved by Plaintiffs, and which, generally, indicates that Plaintiffs were erroneously listed on the website as spammers and that Plaintiffs are not spammers. Defendant Spamhaus shall leave such message on its site for a period of six months.

4. Spamhaus shall not contact or cause others to contact any customers or suppliers of the Plaintiffs in efforts to cause said customers or suppliers to cease doing business with Plaintiffs.

5. Spamhaus shall not contact or cause others to contact any customers or suppliers of Plaintiffs and allege or assert that Plaintiffs are spammers or other like term.

Dated: September 13, 2006



CHARLES P. KOCORAS
U.S. District Court Judge

EXHIBIT B

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.)	

CITATION TO DISCOVER ASSETS

TO: THE SPAMHAUS PROJECT

YOU ARE COMMANDED to appear before the Judge Kocoras or any judge sitting in his/her stead in Room 1725 of Northern District of Illinois Federal Courthouse, Everett McKinley Dirksen Building, 219 S. Dearborn St., Chicago, Illinois, on October 31, 2006 at 9:30 AM to be examined under oath to discover assets or income not exempt from the enforcement of the Judgment.

A judgment against The Spamhaus Project ("Judgment Debtor") was entered on September 13, 2006 and \$11,716,971.05 remains unsatisfied.

YOU ARE COMMANDED to produce at the examination:

SEE ATTACHED DOCUMENT RIDER

and all books, papers or records in your possession or control which may contain information concerning the property or income of, or indebtedness due judgment debtor.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition or, interfering with, any property not exempt from execution or garnishment belonging to the Judgment debtor or to which the judgment debtor may be entitled or which may be acquired by or become due to the Judgment Debtor and from paying over or otherwise disposing of any money not so exempt, which is due the Judgment Debtor, until the further order of court or termination of the proceedings. You are not required to withhold the payment of any money beyond double the amount of the balance due.

WARNING: YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.

CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR

In the United States District Court for the Northern District of Illinois, on September 13, 2006 a judgment in the amount of \$ 11,716,971.05 was entered in favor of e360Insight, LLC and against The Spamhaus Project in Case No. 06 CV 3958 and a balance of \$11,716,971.05 remains unsatisfied.

The undersigned certifies, under penalties provide by law pursuant to 735 ILCS 5/1-109, that the information contained herein is true and correct.

Atty. No.: 6197916
Name: Joseph L. Kish
Address: 730 W. Randolph 6th Floor
City/State/Zip: Chicago, Illinois 60661
Telephone: (312) 454-0015

Attorney Signature 

WITNESS: **MICHAEL W. DOBBINS**

CLERK OF COURT—Upon payment of filing fee, Clerk will sign and seal

Witness: Veronica Franklin **OCT 23 2006**
DEPUTY CLERK OF COURT

RIDER TO CITATION TO DISCOVER ASSETS

YOU ARE COMMANDED to produce at the examination (bring with you) all books, papers, documents, or records in your possession over which you have control, which may contain information concerning all property and assets of The Spamhaus Project, LTD, including but not limited to:

1. Any and all corporate minute books maintained by The Spamhaus Project, LTD;
2. Any and all monthly, quarterly, annual and/or all other accounting and financial statements, including but not limited to payroll and accounts receivable records, prepared by or on behalf of The Spamhaus Project, LTD for the past three years;
3. Any and all information regarding any and all stocks, funds, bonds, securities and/or other investments or other assets held, gained, sold or lost by The Spamhaus Project, LTD or otherwise associated with The Spamhaus Project, LTD in any way, for the past three years;
4. Any and all information regarding any and all property, both real and personal, held, bought, sold, transferred, exchanged, leased, deeded or otherwise acquired, lost or otherwise maintained by or on behalf of The Spamhaus Project, LTD for the past three years, such information should include title to any vehicles owned or otherwise controlled by The Spamhaus Project, LTD and deeds to any real property owned or maintained by The Spamhaus Project, LTD;
5. For all such property identified in Number 4 herein, provide any and all information related to any and all profits, losses, gains, offsets, taxes paid or credited, along with any and all other tax or other related financial consequences, resulting from the sale, gain, purchase or ownership of such property; further, identify where all such property is located and how and in what ways such property is currently being used and how such property has been used for the past three years;
6. Any and all information regarding all bank, money or other financial accounts, including but not limited to bank statements and check ledgers, in the name of The Spamhaus Project, LTD, and/or its officers and/or directors, along with such information for any of The Spamhaus Project, LTD's subsidiaries, successors or other related entities; for all such information, provide the name of the accounts, account numbers, amount of money currently held in each account and monthly statements for each said account for the past three years;
7. Copies of all income tax returns filed for the past three years, on behalf of The Spamhaus Project, LTD, along with copies of any and all tax refund checks issued during these years, and any and all information regarding how such refund money was used and/or where such money was held and is currently being held, whether by

The Spamhaus Project, LTD and/or any other entity or individual affiliated or associated in any way with The Spamhaus Project, LTD;

8. Any and all information regarding any and all loan documents related to The Spamhaus Project, LTD, including any and all documents related to any receipts or disbursements of money related to such loans, for the past three years.
9. A list of all assets regardless of their present location.
10. A list of all liabilities regardless of their present location.
11. Audited financial statements for the last five years.

EXHIBIT C

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

e360 INSIGHT, LLC, an Illinois Limited Liability Company, and DAVID LINHARDT, an individual,)	
	)	06 CV 3958
Plaintiffs,)	
	)	Judge Kocoras
v.	)	Magistrate Judge Brown
)	
THE SPAMHAUS PROJECT, a company limited by guarantee and organized under the laws of England, a/k/a THE SPAMHAUS PROJECT, LTD.,)	
)	
Defendant.)	

DEFENDANT'S RESPONSE TO CITATION TO DISCOVER ASSETS

NOW COMES the Defendant The Spamhaus Project and responds as follows to Plaintiff's Citation to Discover Assets:¹

1. Any and all corporate minute books maintained by The Spamhaus Project, LTD;

ANSWER: Spamhaus does not hold corporate meetings. Spamhaus will provide the company documents setting it up as a Limited Liability Company.

2. Any and all monthly, quarterly, annual and/or all other accounting and financial statements, including but not limited to payroll and accounts receivable records, prepared by or on behalf of The Spamhaus Project, LTD for the past three years;

ANSWER: As a non-profit company, Spamhaus does not have any accounting or financial statements other than one tax return addressed in response to number seven. Spamhaus does not employ any formal accounting procedures throughout the year. Rather, at the end of the

¹ Defendant expressly objects to this Court's jurisdiction over The Spamhaus Project because Defendant is based solely in the United Kingdom and does not conduct or transact business in Illinois. Moreover, Defendant reserves its arguments based on Plaintiff's failure to properly effect service of process. These objections are made notwithstanding Defendant's good faith effort to comply with this Court's order that it respond to the Citation to Discover Assets.

year, Spamhaus' accountant determines how much money Spamhaus received throughout the year through donations, but no formal accounting or financial statements are done. The company does not have any employees and there are no payroll records. The company does not have any accounts receivable records.

3. Any and all information regarding any and all stocks, funds, bonds, securities and/or other investments or other assets held, gained, sold or lost by The Spamhaus Project, LTD or otherwise associated with The Spamhaus Project, LTD in any way, for the past three years;

ANSWER: Spamhaus does not have any stocks, funds, bonds, securities or any other investments. Spamhaus' assets consist only of one Macintosh computer and a bank account located in London, United Kingdom for approximately \$14,000, which are addressed in response to number six and nine.

4. Any and all information regarding any and all property, both real and personal, held, bought, sold, transferred, exchanged, leased, deeded or otherwise acquired, lost or otherwise maintained by or on behalf of The Spamhaus Project, LTD for the past three years, such information should include title to any vehicles owned or otherwise controlled by The Spamhaus Project, LTD and deeds to any real property owned or maintained by The Spamhaus Project, LTD;

ANSWER: Spamhaus does not own any property other than the Macintosh computer and bank account addressed in response to number six and nine.

5. For all such property identified in Number 4 herein, provide any and all information related to any and all profits, losses, gains, offsets, taxes paid or credited, along with any and all other tax or other related financial consequences, resulting from the sale, gain, purchase or ownership of such property; further, identify where all such property is located and how and in what ways such property is currently being used and how such property has been used for the past three years;

ANSWER: Because Spamhaus does not own any property, as described in response to number 4, this question is not applicable.

6. Any and all information regarding all bank, money or other financial accounts, including but not limited to bank statements and check ledgers, in the name of The Spamhaus Project, LTD, and/or its officers and/or directors, along with such information for any of The Spamhaus Project, LTD's subsidiaries, successors or other related entities; for all such

information, provide the name of the accounts, account numbers, amount of money currently held in each account and monthly statements for each said account for the past three years;

ANSWER: Spamhaus has been in existence for two years and will provide information relating to that time period. Spamhaus has one bank account, for which it receives monthly bank statements. Those bank statements are in the process of being collected and will be forwarded within a reasonable period of time. However, any personal information, such as Steve Linford's personal address, will be redacted. Spamhaus has no subsidiaries, successors, or other related entities as that term is understood.

7. Copies of all income tax returns filed for the past three years, on behalf of The Spamhaus Project, LTD, along with copies of any and all tax refund checks issued during these years, and any and all information regarding how such refund money was used and/or where such money was held and is currently being held, whether by The Spamhaus Project, LTD and/or any other entity or individual affiliated or associated in any way with The Spamhaus Project, LTD;

ANSWER: Spamhaus has been in existence for two years. During that time, it has only filed one income tax return. However, no tax refund check has been issued. The income tax return is in the process of being collected and will be forwarded within a reasonable period of time.

8. Any and all information regarding any and all loan documents related to The Spamhaus Project, LTD, including any and all documents related to any receipts or disbursements of money related to such loans, for the past three years.

ANSWER: Spamhaus does not have any loan documents.

9. A list of all assets regardless of their present location.

ANSWER: Spamhaus has one computer (a Mac G4 Tower) located at a donated space in the United Kingdom. Spamhaus also has one bank account at HSBC in London, United Kingdom, with a balance of approximately \$14,000. Pursuant to the response to number six, the documentation relating to the bank account is in the process of being collected and will be produced within a reasonable period of time.

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10. A list of all liabilities regardless of their present location.

ANSWER: Spamhaus does not have any liabilities.

11. Audited financial statements for the last five years.

ANSWER: Spamhaus does not have any audited financial statements.

Respectfully submitted,

THE SPAMHAUS PROJECT

Dated: November 10, 2006

By: s/Matthew M. Neumeier
Matthew M. Neumeier
Craig C. Martin
Carrie A. Fino
JENNER & BLOCK LLP
330 North Wabash Avenue
Chicago, IL 60611
Telephone: (312) 222-9350
Facsimile: (312) 527-0484

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CERTIFICATE OF SERVICE

I, Matthew M. Neumeier, an attorney, hereby certify that I served the foregoing

Defendant's Response to Citation to Discover Assets upon:

Joseph L. Kish
Kristen M. Lehner
Bartly Joseph Loethen
Synergy Law Group, L.L.C.
730 West Randolph Street
6th Floor
Chicago, IL 60661
Phone: (312) 454-0015
Fax: (312) 454-0261

by depositing a copy of same in the United States Mail, postage prepaid, on this 10th day of
November 2006.

s/Matthew M. Neumeier
Matthew M. Neumeier

EXHIBIT D

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

e360 INSIGHT, LLC, an Illinois Limited Liability Company, and DAVID LINHARDT, an individual,)	
	)	06 CV 3958
Plaintiffs,)	
	)	Judge Kocoras
v.	)	Magistrate Judge Brown
)	
THE SPAMHAUS PROJECT, a company limited by guarantee and organized under the laws of England, a/k/a THE SPAMHAUS PROJECT, LTD.,)	
)	
Defendant.)	

DECLARATION OF STEVE LINFORD¹

I, Steve Linford, declare and state as follows:

1. I am the sole Director of The Spamhaus Project, LTD. I either have personal knowledge as to the facts and matters set forth in this affidavit or I have determined that such facts and matters are true and correct on the basis of information obtained from various sources, including my own personal experience, in the regular course of business, as Officer/Director of The Spamhaus Project, LTD.

2. I make this Affidavit to certify the responses provided in the Response to Citation to Discover Assets, and to assert and preserve any objections to this Court's personal jurisdiction over The Spamhaus Project, LTD, while at the same time, attempting in good faith to comply

¹ Defendant expressly objects to this Court's jurisdiction over The Spamhaus Project because Defendant is based solely in the United Kingdom and does not conduct or transact business in Illinois. Moreover, Defendant reserves its arguments based on Plaintiff's failure to properly effect service of process. These objections are made notwithstanding Defendant's good faith effort to comply with this Court's order that it respond to the Citation to Discover Assets.

with this Court's Order that The Spamhaus Project, LTD respond to the Citation to Discover Assets filed by the Plaintiff.

3. I have read the Citation to Discover Assets and assert that the answers provided in the Response are true and correct to the best of my knowledge and belief.

4. The Spamhaus Project, LTD is a non-profit company organized under the laws of the United Kingdom, with its principle place of business in London, United Kingdom. The Spamhaus Project, LTD is not a citizen of Illinois.

5. The Spamhaus Project, LTD conducts no business with consumers directly.

6. The Spamhaus Project, LTD has no subsidiaries, successors, parent companies, or other such related entities.

7. The only location in which The Spamhaus Project, LTD does business is the United Kingdom. The Spamhaus Project, LTD does not have any employees in Illinois or anywhere else and does not pay any salaries or taxes in Illinois.

8. The Spamhaus Project, LTD has no physical or other presence in Illinois. It does not own, lease or have any interest in any real property and has no offices, warehouses, plants, suppliers, distributors, agents, employees, mailboxes, telephone listings, bank accounts, or business operations in Illinois. The Spamhaus Project, LTD is not registered or qualified to do business in Illinois, does not provide goods or services to persons in Illinois, and does not derive or expect to derive any direct revenue from goods consumed or services rendered in Illinois.

9. The Spamhaus Project, LTD is not required to and does not maintain a registered agent for service of process in Illinois.

10. The Spamhaus Project, LTD does not develop advertisement campaigns specifically for Illinois.

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11. The Spamhaus Project, LTD is not a party to any contract with any person or entity located in the State of Illinois or calling for performance in the State of Illinois.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 10th day of November, 2006.

A handwritten signature in black ink, appearing to read "Steve Linford", written over a horizontal line.

Steve Linford

EXHIBIT E

UK Data Ltd Full Report

SPAMHAUS TECHNOLOGY LIMITED

Statutory Information

Previous Name(s): None
Registered Number: 05078652
Incorporation Date: 19/03/2004
Registered Office: COMMUNICATIONS HOUSE
26 YORK STREET
LONDON
W1U 6PZ
Latest Filed Accounts: 30/06/2005
Analysed Accounts: 30/06/2005
Latest Annual Return: 19/03/2006
Company Status: Small

Date Accounts Lodged: 07/01/2006
Accounts Ref. Date: 30/06
Issued Capital: (GBP) 1
Type of Accounts: Total Exemption Small

Directory Information

Trading Address: -
Telephone Number: -
Region: -
Bankers: -
Auditors: Additus
Audit Opinion or Qualification: The company has taken advantage of exemptions under the Companies Act such that the accounts have not been audited or examined.
Principal Activities: -
UK SIC Code(s): 74840 Other business activities not elsewhere classified

Fax Number: -

Risk Information (what is this?)

Risk Score

Credit Limit (GBP)

Todays: 31
Previous: 32 until (10/02/2007)
Historical Trend
54 until (30/06/2005)

Todays: 0
Previous: 0 until (10/02/2007)
Contract Limit (GBP): 9,500

Score Key

0 - 35 Caution. High Risk Potential.
36 - 50 Caution. Moderate Risk Potential. Measured Exposure.
51 - 60 Normal. Limited Risk Potential. Normal Terms.
61 - 100 Confidence. Low Risk Potential.

According to the company's filing history, more than 14 months have elapsed since the last set of accounts were lodged. The company has been established for more than 2 years.

This company operates in a sector which has historically generated a similar level of insolvency relative to the total population.

County Court Judgments Summary: Number of exact unsatisfied CCJs: None
Number of probable unsatisfied CCJs: None
Number of possible unsatisfied CCJs: None

Ownership

Group Structure

Holding Company: None
Ultimate Holding Company: None

All immediate shareholdings on UK Data Ltd's Database by Turnover

None

Share Capital Structure

Class of Shares	Par Value (pence)	Number of Shares	Issued Capital
ORDINARY	100,000	1	1
Total Issued Capital			£1

Shareholders

Shareholder Name & Address	Share Class	No. of Shares	Issued Capital (£)	Shareholding No.
Stephen John Linford The Phoenix, Taggs Island, Hampton, Middlesex, London,	ORDINARY	1	1	1

EXHIBIT F

SPAMHAUS TECHNOLOGY LTD.

Invoice

To:

Charter Communications Holding Company, LLC and its affiliates
12405 Powerscourt Drive
St. Louis
MO 63131
United States

Date: May 17, 2006
Invoice No.: 000F504

Account No.: 90764617
Customer PO No.: Bob Fayne
Customer VAT No.:

description	amount
Spamhaus DNSBL Data Feed Yearly Subscription Fee Annual renewal from 17 May 2006 to 17 May 2007	US \$ 14,500.00

Subtotal US \$ 14,500.00

VAT Rate 0.00 VAT US \$ 0.00

Amounts are in USD

Total US \$ 14,500.00

PAYMENT DUE BY RETURN PLEASE

Spamhaus Technology Ltd. UK Company Reg. No.: 5078652 VAT Reg. No.: GB 838 0761 13

Communications House, 26 York Street, London, W1U 6PZ, United Kingdom

Tel: +44-870-766-9260 Fax: +44-870-766-5270 Accounts Email: datafeed-accounts@spamhaus.org

Paid by check # 26941 for \$14,500.00 on 6/16/06

THE SPAMHAUS PROJECT

SPAMHAUS TECHNOLOGY LTD.

Invoice

To:

Charter Communications Holding Company, LLC and its affiliates
12405 Powerscourt Drive
St. Louis
MO 63131
United States

Date: Jun 15, 2005

Invoice No.: 000F209

Account No.: 90764617

Customer PO No.: Bob Fayne

Customer VAT No.:

description	amount
Spamhaus DNSBL Data Feed Yearly Subscription Fee	US \$ 14,500.00

Subtotal US \$ 14,500.00

VAT Rate 0.00 VAT US \$ 0.00

Amounts are in USD

Total US \$ 14,500.00

Spamhaus Technology Ltd. UK Company Reg. No.: 5078652 VAT Reg. No.: GB 838 0761 13

The Phoenix, Taggs Island, Hampton, TW12 2HA, United Kingdom

Tel: +44-845-458-5077 Fax: +44-20-8941-9666 Accounts Email: datafeed-accounts@spamhaus.org

THE SPAMHAUS PROJECT

Paid by check # 25679 For \$14,500.00 on 4/28/06

EXHIBIT G



home	registration	products	functionality	about us	contact us
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Business Search

name of business or company no

(exclude "limited")

Business Information

Company Formation

advanced search

Director Search

first name

optional filter director by
 town county full postcode

advanced search

My Account

login no:

password:

forgotten password

- Quick Links**
- [Prices, Discounts & Samples](#)
 - [Company Formation](#)
 - [International Reports](#)
 - [A-Z Company Listing](#)
 - [A-Z Company Director Listing](#)
 - [A-Z Company Category Listing](#)
 - [Knowledge Base](#)

- Knowledge Base Examples**
1. What are the main functions of Companies House?
[companies house](#)
 2. What responsibilities does a company director have towards Companies House?
[company director](#)
 3. What is the meaning of a "Company Search"?
[company search](#)
 4. What are the basic rules on filling company accounts at companies house?
[company accounts](#)
 5. What type of company information is available at companies house?

Search Results

Click for Advanced Search

Please click on the selected name to see the available reports

SPAMHAUS LTD
 5 JUPITER HOUSE, CALLEVA PARK
 ALDERMASTON
 READING
 BERKSHIRE
 RG7 BNN

SPAMHAUS TECHNOLOGY LIMITED
 COMMUNICATIONS HOUSE
 26 YORK STREET
 LONDON
 W1U 6PZ

THE SPAMHAUS PROJECT
 COMMUNICATION HOUSE
 26 YORK STREET
 LONDON
 W1U 6PZ

EXHIBIT

B

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0
Eastern Division

e360 Insight, LLC, et al.

Plaintiff,

v.

Case No.: 1:06-cv-03958

Honorable Charles P. Kocoras

Spamhaus Project, The

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, March 20, 2007:

MINUTE entry before Judge Charles P. Kocoras :Motion hearing held on 3/20/2007. Plaintiffs' motion [75] for a rule to show cause is denied for the reasons stated in open court. Defendant is directed to respond to all reasonable questions. Mailed notice(sct,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

EXHIBIT

C



Daniel J. Peters
Direct: (312) 334-9037
dpeters@synergylawgroup.com

March 26, 2007

VIA US MAIL AND E-MAIL

Carrie Fino
Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611

Re: e360 Insight v. The Spamhaus Project

Dear Carrie:

I am writing in connection with the Court's directive that you provide us with information concerning Spamhaus Technology, LTD. Please provide us with the following information:

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

In the spirit of reasonableness, please let me know by March, 30 if you intend to provide us with the above requested information. If you have any questions, please give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Peters", is written over a horizontal line. The signature is fluid and cursive in style.

Daniel J. Peters

cc: Bartly J. Loethen

EXHIBIT

D

JENNER & BLOCK

Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611-7609
Tel 312 222-9350
www.jenner.com

Chicago
Dallas
New York
Washington, DC

April 5, 2007

BY E-MAIL AND U.S. MAIL

Daniel J. Peters, Esq.
Synergy Law Group, L.L.C.
730 West Randolph Street, 6th Floor
Chicago, IL 60661

Carrie A. Fino
Tel 312 840-7290
Fax 312 840-7390
cfino@jenner.com

Re: e360 Insight v. The Spamhaus Project

Dear Mr. Peters:

I am writing in response to your letter of April 4, 2007, where you requested:

[A] written response detailing why [Spamhaus Project] will not be providing the following [information on Spamhaus Technology, LTD]: the compensation paid to officers and directors; the amount any investors invested; a list of employees and their compensation; the percentage of ownership of any owners; accounts receivables and payables for the past two years; profit and loss ledgers for the past two years; and, the dates and amounts of any dividends paid to shareholders.

As your letter and requests for information make clear, e360 is seeking information regarding Spamhaus Technology, LTD, and not information on The Spamhaus Project. As I have repeatedly informed you, Spamhaus Technology, LTD is a completely separate entity from The Spamhaus Project, and is not owned or controlled in any manner by The Spamhaus Project. In the spirit of cooperation and an attempt to comply with the March 20, 2007 order, I provided you information on March 22, 2007 detailing that Spamhaus Technology is a separate legal entity from the Spamhaus Project. I also indicated to you that Spamhaus Technology is a private, independent company that merely shares one director in common with the Spamhaus Project. As we discussed at that time, Spamhaus Technology provides no financial support or other resources to Spamhaus Project.

Also during that conversation, you advised me that you would narrow down the questions you wanted answered about Spamhaus Technology. You provided that letter on March 26, 2007. During our conversation on March 30, 2007, I told you that we would provide the following: (1) the office address for Spamhaus Technology, LTD; (2) a list of officers, board member, investors, and owners of Spamhaus Technology, LTD; and (3) the Spamhaus Technology charter. As we discussed at that time, the Spamhaus Project has no ownership or control over Spamhaus Technologies, LTD and it is completely unable to provide any of the information you seek in any form.

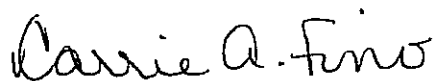
Daniel J. Peters, Esq.
April 5, 2007
Page 2 of 3

JENNER & BLOCK

Simply put, the reason Spamhaus Project is not providing the information detailed in your April 4, 2007 letter is that the information and documentation is not within the possession or control of the Spamhaus Project nor is the information relevant to any inquiry regarding the assets of the Spamhaus Project that could be used to satisfy any judgment. Instead, the information you seek is in the sole control and possession of Spamhaus Technologies, LTD. All of the information relating to the assets of the Spamhaus Project have been disclosed. We will be providing you the information we discussed in our March 30, 2007 conversation in a timely manner.

Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Carrie A. Fino".

Carrie A. Fino

cc: Bartly J. Loethen
Matthew M. Neumeier
Craig C. Martin