

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

E360INSIGHT, LLC, an Illinois Limited
Liability Company, and DAVID LINHARDT,
and individual,

Plaintiffs,

v.

MARK JAMES FERGUSON, an individual,
SUSAN WILSON A.K.A. SUSAN GUNN, an
individual, ROB SAECKER A.K.A. FUDO, an
individual, RICH TIETJENS A.K.A.
MORELY DOTES, an individual, WILLIAM
SILVERSTEIN, an individual, and TIM
SKIRVIN, an individual

Defendant's.

Case No. 07 L 004983

DECLARATION

I Mark James Ferguson declare and state:

1. My name is Mark James Ferguson and I am a Defendant in this action. I make this declaration in support of Defendant's Motion to Dismiss. The facts set out below are known to me personally and if called on I could testify to those facts under oath.
2. I am not now nor have I ever been a resident of Illinois.
3. I do not now nor have I ever owned, used or possessed any property, real or imagined in Illinois, I do not now nor have I ever paid taxes in Illinois, I do not now nor have I ever held or maintained a bank account with an Illinois state bank or a bank located within Illinois.
4. I am not now nor have I ever registered to vote in Illinois.

5. I am not now nor have I ever been employed in Illinois or to the best of my recollection ever done business with a company, business, individual or other entity located within Illinois.
6. I do not now nor have I ever had a telephone listing, address listing or postal listing in Illinois.
7. I have never made an appearance in any court for any action under any circumstances within the state of Illinois.
8. I do not now nor have I ever attempted to distribute information to any business, company, individual or other entity within the state of Illinois.
9. Each spam sent by Plaintiff's violated the Can Spam Statute and Washington State Law.
10. Whew.com is properly registered to Defendant and the registration information reflects the place of ownership as 3831 S Fawcett Avenue, Tacoma, WA 98418 and is publicly available to any individual or entity that has access to the Internet.
11. Defendant has been active in the anti-spam community since 1996 and has nine years of experience with reading headers in both Usenet postings and email. This experience makes it easy for the Defendant to identify the sender of email and the posters of Usenet. It is with this extensive experience in both Usenet and Email tracking that the Defendant can make a positive identification of the emails the Plaintiffs did send and the postings [193] Plaintiff Linhardt made while representing e360 to NANAE. Some of these postings are relevant to this action and are included within this declaration for the Court's information.
12. Defendant posted to NANAE on January 19, 2007 using the same email address Plaintiff was currently abusing with spam making it known to all the spam was not welcome [Exhibit, 4].
13. Plaintiffs on January 19, 2007 posted in response to defendant's displeasure acknowledging that his spam was in fact unwanted unwelcome and harassing to the Defendant. [Exhibit, 5]

14. Plaintiffs' spams continued and increased in frequency and volume almost 150% for the next forty-two [42] days. [Exhibit, 6]
15. Plaintiff makes claim in two separate posts to the Usenet made through Google's Usenet tools that Defendant signed up to receive his newsletters. Plaintiffs falsely stated the Defendant signed up using an affiliate or associated website whose domain is 123freetravel.com on March 4, 2007. [Exhibit, 7]
16. Under the Federal can spam act plaintiff would have 10 days grace period to remove defendant's e-mail address from all lists. Plaintiff continued to send his unwelcome unwanted and harassing spam until February 23, 2007. The spam volume increased and frequency and quantity as stated above from 1.125 each day to 1.64 a day or an increase of almost 150%.

(4) PROHIBITION OF TRANSMISSION OF COMMERCIAL
ELECTRONIC MAIL AFTER OBJECTION-

(A) IN GENERAL- If a recipient makes a request using a mechanism provided pursuant to paragraph (3) not to receive some or any commercial electronic mail messages from such sender, then it is unlawful--

(i) for the sender to initiate the transmission to the recipient, **more than 10 business days after the receipt of such request**, of a commercial electronic mail message that falls within the scope of the request;

17. Washington Law the state I reside in a very specific in that it requires unsolicited commercial e-mail to have accurate and true header information and not be deceitful as rule of law RCW19.19020. Further it requires the onus on the sender to check the residency of the recipient.

§ 19.190.020. Unsolicited or misleading electronic mail -- Prohibition

(1) No person may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) **Contains false or misleading information in the subject line.**

18. Each spam from Plaintiff was from a domain that had hidden and obfuscated domain registration information or the address, telephone and other information not belonging to the Plaintiffs. [Exhibit, 8]
19. IP space and IP allocation information was registered to companies not identified as being owned by the Plaintiffs making it almost impossible to identify the actual sender of the spam. [Exhibit, 9]
20. Each spam contained a mailing address registered to the domain that was not reflected in the domain registration. Addresses had two or more domains or entities registered as the removal address and domains had two or more addresses for removal. [Exhibit, 10]
Defendant found this confusing and so no option for email removal was available to him.

I declare under penalty or perjury under the laws of the United States of America that all statements made in this declaration are true and accurate and that this declaration was executed on August 25, 2007.

Mark James Ferguson

EXHIBIT I

Corporate filing Sonic.net, Inc.

<http://kepler.ss.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C2130020>

Corporation SONIC.NET, INC.

Number: C2130020

Date Filed: 1/1/1999

Status: active

Jurisdiction: California

Address 2260 APOLLO WAY SANTA ROSA, CA 95407

<http://www.sonic.net/contactus.shtml>

You are here: [Home](#) > Contact Us

Contact Sonic.net

Sonic.net, Inc.

2260 Apollo Way

Santa Rosa, CA 95407

1 (707) 522-1000 Local sales and billing

1 (888) 766-4233 Toll free sales and billing

1 (707) 547-3400 Support

1 (707) 547-2199 Fax

Find a [local dialup](#) and [support](#) telephone number

E-Mail Us!

sales@sonic.net

support@sonic.net

billing@sonic.net

Hours:

Sales and billing are open 8:00am-5:00pm PDT, Monday through Friday.

Support is available 6:00am-11:00pm PDT Monday through Friday and 8:00am-10:00pm PDT Saturday and Sunday.

Please note that our office is closed from 2:00pm - 3:00pm the first Friday of every month for our general staff meeting, and our Technical Support Department is closed 2:00pm - 3:00pm every Friday for their weekly discussion meeting.

Driving Directions

From Highway 101

- In Santa Rosa, take the CA-12 exit West towards Sebastopol.
- Take the Stony Point Road exit.
- Turn left on Stony Point Road.
- Turn right on Sebastopol Road.
- Turn left on Corporate Center Parkway.
- Turn left on Apollo Way.
- Sonic.net is located in the second building to your right. Use the second driveway to access our main entrance.

[Click here](#) for a map and directions to our Santa Rosa office.

EXHIBIT II

Google's corporate and other business information.

<http://kepler.ss.ca.gov/corpdata/ShowAllList?QueryCorpNumber=C2474131>

Corporation GOOGLE INC.

Number: C2474131

Date Filed: 11/7/2002

Status: active

Jurisdiction: DELAWARE Address 1600 AMPHITHEATRE PKWY MT VIEW, CA 94043

EXHIBIT III

Multiple posts from Plaintiff using google exclusively to read and post to the Usenet.

http://groups.google.com/groups?q=group%3Anews.admin.net-abuse.*+author%3Ae360Insight&start=0&num=10&lr=&as_drrb=b&as_mind=1&as_minm=8&as_miny=2006&as_maxd=25&as_maxm=6&as_maxy=2007&safe=off&filter=0

[Gmail](#)[Calendar](#)[Documents](#)[Photos](#)[Groups](#)[Webmore](#) ▼

[Blog](#)

[Search](#)[Blogger](#)[Books](#)[Finance](#)[Images](#)[Labs](#)[Maps](#)[News](#)[Orkut](#)[Patents](#)[Produ](#)

[Help](#) | [Sign in](#)



group:news.admin.net-abuse.*

[Advanced Groups Search](#)
[Preferences](#)

1 Aug 2006 25 Jun 2007

Groups [View all web results](#) »

Results 1 - 10 of 193 from Aug 1, 2006 to Jun 25, 2007 for group:news.admin.net-abuse.* author:e360Insight

[Excerpts From Linhardt Affidavit In US Federal Court Case E360 v ...](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

Sorted by relevance [Sort by date](#)

To date, neither Spamhaus or any other third party has presented any evidence of an email address that was used in an alleged 'spam' email message sent from e360. In spite of that fact, Spamhaus ...
Sep 20 2006 by e360Insight - 411 messages - 85 authors

[Linhardt, explain, why you think it is victory for Americas to ...](#) Group: [news.admin.net-abuse.email](#)

October 31, 2006 - [TRUNCATED] "Today's ruling is a victory for all Americans who value their personal freedoms and the right to control their inbox," said David Linhardt, President & CEO of e360. ...
Nov 1 2006 by e360Insight - 123 messages - 48 authors

[Comment](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

I'm still waiting for him to explain how an address that is never used for email gets onto his database. Of course he won't explain, since it is outside the reality he chooses to accept, much ...
Sep 17 2006 by e360Insight - 447 messages - 78 authors

[Harassment? More Like Self-defense.](#) Group: [news.admin.net-abuse.email](#)

These days Abbas will compel the scholarship, and if Talal strongly motivates it too, the envelope will cost till the strict kingdom. You deep originate catholic and emerges our immense, royal vats into a colony. ...

May 10 by e360Insight - 8 messages - 5 authors

[Excerpts From Linhardt Affidavit In US Federal Court Case E360 ...](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

On 20 Sep 2006 16:33:52 -0700, "e360Insight" <e360insi...@gmail.com> opined: To date, neither Spamhaus or any other third party has presented any evidence of an email address that was used in an alleged 'spam' email message sent from e360. ...

Sep 20 2006 by e360Insight - 411 messages - 85 authors

[Is e360 Insight LLC \(David Linhardt\) a spammer?](#) Group: [news.admin.net-abuse.email](#)

In article <1180071097.341243.224...@q69g2000hsb.googlegroups.com>, If the information below is accurate and sending email to a spamtrap address is a "spammer" then e360 Insight LLC (David Linhardt) is indeed a spammer. ...

May 29 by e360Insight - 140 messages - 38 authors

[action in Spamhaus vs. e360](#) Group: [news.admin.net-abuse.email](#)

<http://www.groklaw.net/article.php?story=2006102700261694> I haven't even read the article yet, so can't summarize. I have. The new layers have moved to vacate the default judgment, to quash a ...

Nov 3 2006 by e360Insight - 154 messages - 49 authors

[More on e360 spam outfit v Spamhaus](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

Sadly the motions to quash that our lawyers submitted to Judge Kocoras today didn't sway the judge, he indicated he was done with the case as it had now been moved to the Appeals Court. The short ...

Oct 31 2006 by e360Insight - 160 messages - 44 authors

[Excerpts From Linhardt Affidavit In US Federal Court Case E360 ...](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

We don't send spam. If you have evidence to the contrary, I would encourage you to provide it to us so we can take appropriate steps to remove the offending records. As you've seen, someone in ...

Sep 21 2006 by e360Insight - 411 messages - 85 authors

[World owes David Linhardt a big 'Thank you'](#) ★★★★★ Group: [news.admin.net-abuse.email](#)

On 2007-04-03, e360Insight <e360insi...@gmail.com> wrote: I'm sorry but it's impossible for me to answer every question that is posed on this message board. It doesn't make me rude; it just that I have a life. As does the rest of NANAE. ...

Apr 3 by e360Insight - 245 messages - 67 authors

Get the [latest messages on group:news.admin.net-abuse.* author:e360Insight](#) emailed to you with Google Alerts.



Result Page: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [Next](#)

group:news.admin.net-abuse.*

[Create a group](#) - [Google Groups](#) - [Google Home](#) - [Terms of Service](#) - [Privacy Policy](#)
©2007 Google

EXHIBIT IV

Plaintiff on January 19, 2007 posted in response to defendant's displeasure acknowledging that his spam was in fact unwanted unwelcome and harassing. The first press shows my e-mail address as Washington_resident@whew.com clearly providing my state of residency clearly showing the e-mail address plaintiff is spamming.

Path:
g2news2.google.com!news4.google.com!newsfeed.stanford.edu!headwall.stanford.edu!
u!news-xfer.nntp.sonic.net!posts.news.sonic.net!nnrp0.nntp.sonic.net!not-for-mail
From: Mark Ferguson <washington_resident@whew.com>
Newsgroups: news.admin.net-abuse.email
Subject: Re: E360INSIGHT, LLC are spammers and I can now sue them
Date: Sat, 20 Jan 2007 11:25:27 -0800
Organization: Fighting to stop not only spam but also all Junk Email
Message-ID: <f4r4r2hdlvf3bt3j42je6otjhgqhacn0at@4ax.com>
References: <0g12r2h29800f35otbr90jmao6l5adt6p@4ax.com> <linford-
1B7840.17403120012007@sn-indi.vsrv-sjc.supernews.net>
X-Newsreader: Forte Free Agent 2.0/32.652
MIME-Version: 1.0
Content-Type: text/plain; charset=us-ascii
Content-Transfer-Encoding: 7bit
Lines: 30
NNTP-Posting-Date: 20 Jan 2007 19:25:27 GMT
NNTP-Posting-Host: fae51de3.news.sonic.net
X-Trace:
DXC=e1_n1IHS?`6:JQj3i_2Vkm4K\QM1CV^`1OYf0H`?;XaJ7?CPgY`T7lkb=a<L`
_o0hRebBidEE[WcmdSCJ;Y>3bc
X-Complaints-To: abuse@sonic.net

On Sat, 20 Jan 2007 17:40:32 +0100, Steve Linford
<linf...@spamhaus.org> wrote:

>In article <0g12r2h29800f35otbr90jmao6l5adt...@4ax.com>,
> Mark Ferguson <washington_resid...@whew.com> wrote:
>
>> Got a bunch of spam that tracks directly back to these scumbag
>> spammers.
>>
>> I will see them in court, after I send them my Letter of Demand of
>> course <g>.
>>
>> Is Spamhaus still looking for spam from them?
>
>Yes we are always happy to get e360 spam samples. The address to forward
>e360 spam to (complete and unmunged) is: e360-evidence [at] spamhaus.org
>
>I can tell you that your 'letter of demand' will produce a response from

- >e360's lawyer telling you that you opted in and that you confirmed too.
- >You see, you opted in from [random ip] at [random date] to e360 partner
- >GruppoLotto's website from where e360 buys his addresses and you
- >'confirmed' by not opting out when e360 spammed you the first time.

What address have you do you have for service Steve?

--

Mark Ferguson
whew.com Site Map
http://www.whew.com/site_map.php

EXHIBIT V

The second post clearly shows Plaintiff is aware this spam is unwelcome yet spam continued for the next 42 days and the frequency and volume from eight [8] in nine [9] days to sixty-nine [69] in the next forty-two [42] days is increased by approximately 146%.

Path:

g2news2.google.com!postnews.google.com!a75g2000cwd.googlegroups.com!not-for-mail

From: "e360Insight" <e360insight@gmail.com>

Newsgroups: news.admin.net-abuse.email

Subject: Re: E360INSIGHT, LLC are spammers and I can now sue them

Date: 20 Jan 2007 13:39:41 -0800

Organization: http://groups.google.com

Lines: 12

Message-ID: <1169329181.245178.171330@a75g2000cwd.googlegroups.com>

References: <0g12r2h29800f35otbr90jmao6l5adtf6p@4ax.com>

<1169236156.731800.326120@38g2000cwa.googlegroups.com>

<1169260614.395966.121330@m58g2000cwm.googlegroups.com>

NNTP-Posting-Host: 24.13.237.155

Mime-Version: 1.0

Content-Type: text/plain; charset="us-ascii"

X-Trace: posting.google.com 1169329189 30717 127.0.0.1 (20 Jan 2007 21:39:49 GMT)

X-Complaints-To: groups-abuse@google.com

NNTP-Posting-Date: Sat, 20 Jan 2007 21:39:49 +0000 (UTC)

User-Agent: G2/1.0

X-HTTP-UserAgent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1),gzip(gfe),gzip(gfe)

Complaints-To: groups-abuse@google.com

Injection-Info: a75g2000cwd.googlegroups.com; posting-host=24.13.237.155; posting-account=SAFEMQ0AAABxNhwYoNEOT-5PNijQ0KIU

>

> <http://img216.imageshack.us/img216/4779/e360handbagsyh0.jpg>

You can send a data file containing these email addresses to e360insight@gmail.com. We would be happy to remove them from our system and not mail them again.

Regards,

Dave Linhardt
e360Insight, LLC

EXHIBIT VI

| From ■ | Date 📅 | Subject ■ | Size |
|--|---------------|---|-------------|
| <input type="checkbox"/> Handbags by Gucci | Feb 23, 2007 | Gucci Handbags are up to 96 percent off. | 2.1 k |
| <input type="checkbox"/> Designer Sunglasses | Feb 22, 2007 | Get 6 pairs of Designer Sunglasses for 48 dollars. | 3 k |
| <input type="checkbox"/> Rachael R | Feb 22, 2007 | We are giving away prizes from Rachael Rays new sh... | 4.1 k |
| <input type="checkbox"/> Downy Cleaner | Feb 22, 2007 | Downy is introducing new Downy Liquid Fabric Softe... | 2.6 k |
| <input type="checkbox"/> Target Stores | Feb 22, 2007 | At Target you get designer looks at a fraction of the ... | 2.2 k |
| <input type="checkbox"/> Housekeeping | Feb 22, 2007 | Swiffer® Sample on us | 3.7 k |
| <input type="checkbox"/> Housekeeping | Feb 22, 2007 | Swiffer® Sample on us | 3.7 k |
| <input type="checkbox"/> Designer Sunglasses | Feb 21, 2007 | Get 6 pairs of Designer Sunglasses for 48 dollars. | 4.2 k |
| <input type="checkbox"/> Congratulations | Feb 21, 2007 | Enter to Win Your own Dream Apartment | 3.8 k |
| <input type="checkbox"/> Baby Diapers | Feb 20, 2007 | Huggies, Luvs, and Pampers are giving away free di... | 2.9 k |
| <input type="checkbox"/> GladWare vs Ziploc | Feb 20, 2007 | GladWare and Ziploc are giving away free food storage ... | 2.9 k |
| <input type="checkbox"/> Big Lots Sale | Feb 20, 2007 | Big Lots would like to give you a complimentary gift ... | 2.7 k |
| <input type="checkbox"/> Rachael R | Feb 20, 2007 | We are giving away prizes from Rachael Rays new sh... | 4.1 k |
| <input type="checkbox"/> Dial Body Wash | Feb 19, 2007 | Would you like to try a no cost sample of Dial Body ... | 2.9 k |
| <input type="checkbox"/> Auto Vacuum | Feb 19, 2007 | Would you like a free automatic Vacuum? | 4 k |
| <input type="checkbox"/> Enfamil | Feb 18, 2007 | Would you like complimentary baby shower gifts? | 2.9 k |
| <input type="checkbox"/> Quiznos Subs | Feb 18, 2007 | Have you tried the delicious subs at Quiznos? | 2.7 k |
| <input type="checkbox"/> Financial Freedom | Feb 18, 2007 | Catch the wave to financial freedom | 2.9 k |
| <input type="checkbox"/> Remote Helicopter | Feb 18, 2007 | Have you checked out the hottest toy to hit the ma... | 4.3 k |
| <input type="checkbox"/> Costco Wholesale | Feb 17, 2007 | Take advantage of Costco's wholesale prices | 2.2 k |
| <input type="checkbox"/> Applebees | Feb 17, 2007 | Have you been to Applebees lately? | 2.2 k |
| <input type="checkbox"/> Dr. Phil | Feb 17, 2007 | Would you like to see Dr. Phil live? | 2.2 k |
| <input type="checkbox"/> America's Candle | Feb 17, 2007 | Have you been to the Yankee Candle? | 3.5 k |

| | | | | |
|--------------------------|--------------------------|--------------|---|-------|
| <input type="checkbox"/> | Crest Brush | Feb 17, 2007 | Have you tried brushing with new Crest Wild Expres... | 3.4 k |
| <input type="checkbox"/> | Circuit City | Feb 16, 2007 | How would you like a no cost gift card from Circuit ... | 2.2 k |
| <input type="checkbox"/> | GladWare and Ziploc | Feb 16, 2007 | Have you tried GladWare or Ziploc storage containe... | 2.3 k |
| <input type="checkbox"/> | Baby Supplies | Feb 16, 2007 | Would you like complimentary diapers from Huggies, Luv... | 2.5 k |
| <input type="checkbox"/> | Rachael Ray | Feb 16, 2007 | Would you like to cook like Rachael Ray? | 3.6 k |
| <input type="checkbox"/> | Home Remodeling | Feb 16, 2007 | Have you been thinking about fixing up your kitche... | 3.7 k |
| <input type="checkbox"/> | GladWare and Ziploc | Feb 15, 2007 | Have you tried GladWare or Ziploc storage containe... | 2.3 k |
| <input type="checkbox"/> | Baby Supplies | Feb 15, 2007 | Would you like complimentary diapers from Huggies, Luv... | 2.5 k |
| <input type="checkbox"/> | Prada Handbags | Feb 15, 2007 | Save up to 98 percent on Prada Handbags. | 2.4 k |
| <input type="checkbox"/> | Jergens Skin | Feb 15, 2007 | Put your best skin out there with a no cost sample of ... | 3.5 k |
| <input type="checkbox"/> | Covergirl and Maybelline | Feb 15, 2007 | Which do you prefer, Covergirl or Maybelline? | 3.3 k |
| <input type="checkbox"/> | Sears with Kmart | Feb 14, 2007 | Who gives you more for you money, Sears or K-Mart? | 2.3 k |
| <input type="checkbox"/> | Big Lots | Feb 14, 2007 | Start shopping at Big Lots with your no cost gift ... | 2.2 k |
| <input type="checkbox"/> | Dove Lotion | Feb 12, 2007 | Have you tried Dove Calming Night? | 3.3 k |
| <input type="checkbox"/> | Burberry Handbags | Feb 12, 2007 | Save up to 95 percent on Burberry Handbags. | 4.5 k |
| <input type="checkbox"/> | Madonna Clothing | Feb 12, 2007 | What do you think of Madonna's new clothing line? | 2.3 k |
| <input type="checkbox"/> | Gucci Handbags | Feb 8, 2007 | Save up to 96 percent on Gucci Handbags. | 5.4 k |
| <input type="checkbox"/> | New Designer Handbags | Feb 5, 2007 | Get New Designer Handbags for up to 96 percent les... | 3.8 k |
| <input type="checkbox"/> | Kitchen Makeover | Feb 5, 2007 | Would you like a dream kitchen makeover? | 3.9 k |
| <input type="checkbox"/> | Super Bowl Blankets | Feb 4, 2007 | Amazing savings on Super Bowl Blankets. | 3.1 k |
| <input type="checkbox"/> | 2007 Mini Helicopter | Feb 4, 2007 | Have you checked out the Mini Helicopter? | 3.6 k |
| <input type="checkbox"/> | Deal or No Deal | Feb 4, 2007 | Do you like to watch Deal or No Deal? | 2.2 k |
| <input type="checkbox"/> | Neutrogena kits | Feb 3, 2007 | Would you like a complimentary Neutrogena travel k... | 3.6 k |

| | | | | |
|--------------------------|------------------------|--------------|--|-------|
| <input type="checkbox"/> | Yankee Candle | Feb 3, 2007 | Have you been to the Yankee Candle | 3.7 k |
| <input type="checkbox"/> | Quiznos Subs | Feb 3, 2007 | Have you tried the delicious subs at Quiznos? | 2.2 k |
| <input type="checkbox"/> | Burt's Lip Balm | Feb 2, 2007 | Sooth your lips with Burt's Lip balm | 3.8 k |
| <input type="checkbox"/> | Coach Handbags | Feb 2, 2007 | Up to 96 percent off Coach Handbags. | 2.9 k |
| <input type="checkbox"/> | Crest Wild Expressions | Feb 2, 2007 | Have you tried new Crest Wild Expressions? | 3.6 k |
| <input type="checkbox"/> | Sears with Kmart | Feb 2, 2007 | Sears and K-mart gift certificate giveaway | 2.2 k |
| <input type="checkbox"/> | Burberry Handbags | Jan 28, 2007 | Save up to 95 percent on Burberry Handbags. | 3.2 k |
| <input type="checkbox"/> | Ticketmaster | Jan 28, 2007 | Here is your ticket from Ticketmaster | 2.9 k |
| <input type="checkbox"/> | JCPenny | Jan 26, 2007 | Discover the enormous savings at JCPenny | 2.9 k |
| <input type="checkbox"/> | Congratulations | Jan 25, 2007 | Win the View's favorite things on us | 4.5 k |
| <input type="checkbox"/> | Gucci Handbags | Jan 25, 2007 | Up to 96 percent off Gucci Handbags. | 3.2 k |
| <input type="checkbox"/> | Detergent Bonus | Jan 24, 2007 | Tide sample on us | 4 k |
| <input type="checkbox"/> | Nikon Camera | Jan 24, 2007 | Nikon is giving away complimentary digital cameras | 3.1 k |
| <input type="checkbox"/> | Mini Helicopter | Jan 23, 2007 | This mini toy helicopter is this year's best toy | 2.7 k |
| <input type="checkbox"/> | Designer Handbags | Jan 23, 2007 | Get designer handbags for up to 97 percent less. | 3.1 k |
| <input type="checkbox"/> | Congratulations | Jan 22, 2007 | Free 1 year membership to Curves on us | 4.1 k |
| <input type="checkbox"/> | Louis Vuitton Handbags | Jan 22, 2007 | Save up to 96 percent on Louis Vuitton handbags. | 4.8 k |
| <input type="checkbox"/> | Celeb Bonus | Jan 21, 2007 | Win tickets to see Ellen Live | 3.8 k |
| <input type="checkbox"/> | New Coach Handbags | Jan 21, 2007 | Up to 96 percent off Coach Handbags. | 4.5 k |
| <input type="checkbox"/> | Apple MacBook | Jan 21, 2007 | Would you like a new laptop for the New Year? | 4.4 k |
| <input type="checkbox"/> | NFL Bargains | Jan 21, 2007 | NFL merchandise up to 63 percent off. | 4.3 k |
| <input type="checkbox"/> | Detergent Bonus | Jan 20, 2007 | Pick your favorite detergent and get \$10 | 3.9 k |
| <input type="checkbox"/> | Personal Care | Jan 20, 2007 | Burt's Bees hand repair kit on us | 3.7 k |
| <input type="checkbox"/> | Fresh Scents | Jan 19, 2007 | Yankee Candles sample on us | 3.5 k |
| <input type="checkbox"/> | New Designer Handbags | Jan 19, 2007 | Save up to 97 percent on New Designer Handbags. | 4.7 k |
| <input type="checkbox"/> | Congratulations | Jan 18, 2007 | Free 1 year membership to Curves on us | 3.6 k |
| <input type="checkbox"/> | Congratulations | Jan 17, 2007 | Win the View's Favorite Things on us | 4 k |

| | | | | |
|---|---------------------|--------------|---|-------|
| <input type="checkbox"/> | Yankee Candle | Jan 15, 2007 | America's most popular candles are from Yankee Can... | 3.8 k |
| <input type="checkbox"/> | The Views | Jan 13, 2007 | What do you think of the ladies of The View? | 2.3 k |
| <input type="checkbox"/> | Wal-Mart Superstore | Jan 12, 2007 | Wal-Mart would like to present you with a complimentary ... | 4.5 k |
| <input type="checkbox"/> | Mini Helicopter | Jan 12, 2007 | The mini helicopter is the hottest toy of 2007 | 3.7 k |
| Paginate Toggle All | | | Viewing Messages: 1 to 77 (77 total) | |

EXHIBIT VII

Path:
g2news2.google.com!postnews.google.com!n33g2000cwc.googlegroups.c
om!not-for-mail
From: "e360Insight" <e360insight@gmail.com>
Newsgroups: news.admin.net-abuse.email
Subject: Re: The Truth About e360 v Spamhaus
Date: 4 Mar 2007 18:11:08 -0800
Organization: http://groups.google.com
Lines: 87
Message-ID:
<1173060668.210258.253180@n33g2000cwc.googlegroups.com>
References:
<1172860780.999678.184350@h3g2000cwc.googlegroups.com>
<linford-E9DBE3.20492802032007@news.supernews.com>
<1172872904.337872.158270@j27g2000cwj.googlegroups.com>
<MPG.2052959c43ff60c9989685@news.sonic.net>
<1172897102.100912.202850@64g2000cwx.googlegroups.com>
<MPG.20529fb81f9be0cc989688@news.sonic.net>
NNTP-Posting-Host: 67.36.188.22
Mime-Version: 1.0
Content-Type: text/plain; charset="iso-8859-1"
X-Trace: posting.google.com 1173060673 7729 127.0.0.1 (5 Mar 2007
02:11:13 GMT)
X-Complaints-To: groups-abuse@google.com
NNTP-Posting-Date: Mon, 5 Mar 2007 02:11:13 +0000 (UTC)
In-Reply-To: <MPG.20529fb81f9be0cc989688@news.sonic.net>
User-Agent: G2/1.0
X-HTTP-UserAgent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT
5.1),gzip(gfe),gzip(gfe)
Complaints-To: groups-abuse@google.com
Injection-Info: n33g2000cwc.googlegroups.com; posting-
host=67.36.188.22;
posting-account=SAFEMQ0AAABxNhwYoNEOT-5PNijQ0K1U

On Mar 2, 10:55 pm, Mark Ferguson <washington_resid...@whew.com>
wrote:

>
> Too little, too late After I sent my LOD you kept spamming me
> so now I have 75 spam and each violate the federal and state
> law.
>
> --
> Mark Ferguson
> whew.com Site Maphttp://www.whew.com/site_map.php- Hide quoted
text -
>
> - Show quoted text -

From: e360Insight [mailto:e360Insi...@gmail.com]
Sent: Sunday, March 04, 2007 8:09 PM
To: 'washington_resident@whew.com'
Subject: Your address has been removed
Importance: High

Mr. Ferguson,

We are preparing our response to your letter dated February 9, 2007.

However, I feel compelled to respond to you in advance of our attorney's letter based on the message posting you created recently.

Below is the source information of where you signed up and when.

email: washington_resident@whew.com
first_name: MARK
last_name: FERGUSON
address_1: 3831 FAWCETT AVE
city: TACOMA
state: WA
zip: 98418
zip+4: 98418-6734
opt-in site: 123FreeTravel.com
opt-in date: 2006-11-29 00:00:00.000
ip address: 131.191.13.159

123freetravel.com is a partner site that runs signup offers for our promotional offers. Our promotional banner was displayed on their site with an offer that you accepted upon your registration. Your registration with 123freetravel.com is subject to their privacy policy, as stated on their website.

http://www.123freetravel.com/privacy_policy.php

After you signed up to receive our email messages, we provided you with an opportunity to unsubscribe on every email message sent. We have not received any record of a removal request from you prior to receipt of your letter dated February 9, 2007. Since your original registration and lack of removal requests, we could only assume you wanted your subscription to our newsletter to continue.

Upon receipt of your letter, we immediately removed your email address from our mailing list. We also added your email address to our master suppression file so that we will not mail you again, even if you sign up again.

We recommend to all of our customers that they read all terms and conditions carefully before signing up for any offer on any website.

Failure to do so may lead to a misunderstanding of the terms and conditions that govern the relationship between the website and the registrant.

Your message below indicates you are still receiving email messages from us. I have verified that your email is not included in our mailing list, so it is not possible that you are still receiving email messages from us to washington_resident@whew.com. Please send me a recent copy of a message you believe is coming from us. Given the attention paid to these matters lately, it is possible someone is spoofing our email header. We have seen examples of spoofed emails before. There is an example of a spoofed header currently posted on www.spamhaus.org.

We apologize for any inconvenience this has caused you. Our stated policy is to not send email messages to anyone who does not want to receive them. Please feel free to contact me again if I can be of any assistance to you in this matter.

Regards,

Dave Linhardt
President
e360Insight, LLC

[Create a group](#) - [Google Groups](#) - [Google Home](#) - [Terms of Service](#) - [Privacy Policy](#)

EXHIBIT VIII

06/25/07 08:10:12 whois Fisedim.com
.com is a domain of USA & International Commercial
Searches for .com can be run at <http://www.crsnic.net/>

whois -h whois.crsnic.net fisedim.com ...
Redirecting to MONIKER ONLINE SERVICES, INC.

whois -h whois.moniker.com fisedim.com ...
Moniker.Com Whois Server Version 2.1

Domain Name: FISEDIM.COM

Registrant [613418]:
Moniker Privacy Services
20 SW 27th Ave.
Suite 201
Pompano Beach
FL
33069
US

Administrative Contact [613418]:
Moniker Privacy Services FISEDIM.COM@domainservice.com
Moniker Privacy Services
20 SW 27th Ave.
Suite 201
Pompano Beach
FL
33069
US
Phone: +1.9549848445
Fax: +1.9549699155

Billing Contact [613418]:
Moniker Privacy Services FISEDIM.COM@domainservice.com
Moniker Privacy Services
20 SW 27th Ave.
Suite 201
Pompano Beach
FL
33069
US
Phone: +1.9549848445

Fax: +1.9549699155

Technical Contact [613418]:

Moniker Privacy Services FISEDIM.COM@domainservice.com

Moniker Privacy Services

20 SW 27th Ave.

Suite 201

Pompano Beach

FL

33069

US

Phone: +1.9549848445

Fax: +1.9549699155

Domain servers in listed order:

| | |
|-----------------------|---------------|
| NS1.DOMAINSERVICE.COM | 67.99.176.12 |
| NS2.DOMAINSERVICE.COM | 67.97.247.209 |
| NS3.DOMAINSERVICE.COM | 64.49.213.231 |
| NS4.DOMAINSERVICE.COM | 67.97.247.210 |

Record created on: 2007-02-05 16:49:57.0

Database last updated on: 2007-02-08 12:06:45.177

Domain Expires on: 2008-02-05 16:49:58.0

EXHIBIT IX

06/25/07 08:08:46 whois !NET-63-161-113-0-1@whois.arin.net

whois -h whois.arin.net !net-63-161-113-0-1 ...

OrgName: Rocky Mountain Internet Services, LLC
OrgID: RMISL-1
Address: 102 S. Tejon Street, 11th Floor
City: Colorado Springs
StateProv: CO
PostalCode: 80903
Country: US

NetRange: 63.161.113.0 - 63.161.113.255
CIDR: 63.161.113.0/24
NetName: SPRINTLINK
NetHandle: NET-63-161-113-0-1
Parent: NET-63-160-0-0-1
NetType: Reallocated
Comment:
RegDate: 2007-05-30
Updated: 2007-05-30

OrgAbuseHandle: NOC2518-ARIN
OrgAbuseName: NOC
OrgAbusePhone: +1-877-641-0926
OrgAbuseEmail: abuse@rockymountaininternetservices.com

OrgNOCHandle: NOC2518-ARIN
OrgNOCName: NOC
OrgNOCPhone: +1-877-641-0926
OrgNOCEmail: abuse@rockymountaininternetservices.com

OrgTechHandle: NOC2518-ARIN
OrgTechName: NOC
OrgTechPhone: +1-877-641-0926
OrgTechEmail: abuse@rockymountaininternetservices.com

ARIN WHOIS database, last updated 2007-06-24 19:10
Enter ? for additional hints on searching ARIN's WHOIS database.

EXHIBIT X

| | |
|--------------|---|
| Apvrap.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Avften.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Avften.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Avften.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Faseil.com | 23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653 |
| Faseil.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Fisedim.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Fisedim.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Fisedim.com | 655 Deerfield Road, Suite 100-146, Deerfield, IL 60015 |
| GAREROP.COM | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Gelreal.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |
| GIVDYP.COM | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Gotdop.com | 23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653 |
| gowyk.com | 427 S. LaSalle St, Chicago, IL 60605 |
| Gutll.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Gutll.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Gystion.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| ijqur.com | 427 S. LaSalle St, Chicago, IL 60605 |
| Ikfdip.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Isjer.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Isjer.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| ISLETION.COM | 427 S. LaSalle St, Chicago, IL 60605 |
| Jusemun.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Jusemun.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Jusemun.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |
| Mitere.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Mitere.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Mitere.com | 23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653 |
| Mitere.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Nutbil.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |
| Ofzomen.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Ofzomen.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Ofzomen.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Othareal.com | 23046 Avenida de la Carlota, Suite 600, Laguna Hills, CA 92653 |
| Othareal.com | 39555 Orchard Hill Place, Suite 600, Novi, Michigan, 48375 |
| Saegyk.com | 655 Deerfield Road, Suite 100-146, Deerfield, IL 60015 |
| Sattrun.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Segdap.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Segdap.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Usdmyn.com | 102 S. Tejon Street, 11th Floor, Colorado Springs, Colorado 80903 |
| Usdmyn.com | 655 Deerfield Road, Suite 100-146, Deerfield, IL 60015 |
| Usdmyn.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |
| Usdmyn.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |
| Xuagtin.com | 101 West Big Beaver Road, 14th Floor, Troy, Michigan 48084 |
| Xuagtin.com | 655 Deerfield Road, Suite 100-146, Deerfield, IL 60015 |
| Xuagtin.com | 655 Deerfield Road, Suite 100-146, Deerfield, IL 60015 |
| Xuagtin.com | 8001 Irvine Center Drive, 4th Floor, Irvine, California 92618 |