

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p>Plaintiff: NETQUOTE INC, a Colorado Corporation</p> <p>v.</p> <p>Defendant: BRANDON BYRD, an internet user making use of the IP Addresses 64.136.27.226 and 64.136.26.227.</p> <hr/> <p><u>Attorneys for Plaintiff</u> Christopher P. Beall, #28536 FAEGRE & BENSON LLP 3200 Wells Fargo Center 1700 Lincoln Street Denver, Colorado 80203 Telephone: (303) 607-3500 Facsimile: (303) 607-3600 E-mail: cbeall@faegre.com</p>	<p>FILED Document CO Denver County District Court 2nd JD Filing Date: Feb 16 2007 2:13PM MST Filing ID: 13840299 Review Clerk: Tina Brown</p> <hr/> <p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 2006cv11463</p> <p>Courtroom: 6 The Hon. Larry J. Naves, presiding</p>
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SECOND AMENDED COMPLAINT and JURY DEMAND

Plaintiff NetQuote Inc ("NetQuote"), through its counsel with Faegre & Benson LLP, for its Second Amended Complaint in this civil action, states as follows:

Introduction

1. This case seeks monetary and injunctive relief for the deceptive conduct by the defendant in interfering with NetQuote's business through submissions of false customer information to NetQuote's website. By use of false customer information, which uses the actual names and addresses of living persons, the defendant has caused substantial harm to NetQuote's relations with its customers and to NetQuote's good will and business reputation.

Jurisdiction and Venue

2. This Court has subject jurisdiction over this action under Article VI, section 9(1) of the Colorado Constitution.

3. The Court has *in personam* jurisdiction over the non-resident defendant under § 13-1-124, C.R.S., and the Due Process Clause of the Fourteenth Amendment of the United States Constitution because the defendant has aimed his tortious conduct directly at NetQuote in Colorado and the harm from the defendant's conduct has been directly felt within Colorado. On information and belief, NetQuote alleges that the defendant had knowledge at the time he committed his tortious acts that his conduct would harm NetQuote and that he intended this harm to occur against NetQuote in Colorado.

4. Venue is proper in this Court because the defendant currently resides outside of Colorado and the tortious conduct alleged in this Complaint has been aimed at and has caused harm to NetQuote in this judicial district.

Parties

5. Plaintiff NetQuote Inc, is a corporation duly organized under the laws of the State of Colorado, with its principal place of business in Denver, Colorado.

6. Defendant Brandon Byrd is an internet user currently residing in Sandy Springs, Georgia, who has accessed the internet through the internet service provider Juno Online Services, Inc., with whom he has used the Internet Protocol addresses 64.136.27.226 and 64.136.26.227, and through which he uses the email address minch1@netzero.net in order to submit false and harmful information to NetQuote through NetQuote's online business at www.netquote.com.

Factual Background

7. Among NetQuote's various business activities, it maintains a website at www.netquote.com. A true and correct copy of an excerpt of NetQuote's website is attached here, and incorporated, as **Exhibit A**.

8. Through NetQuote's website, consumers interested in obtaining quotations on various forms of insurance, such as auto, life, home, renter, health, dental, and business insurance, may submit information to NetQuote, and NetQuote will then locate insurance agents or brokers who will supply the customer with a rate and policy quotation on the kind of insurance requested.

9. NetQuote does not charge consumers for its services. Rather, NetQuote receives revenues from insurance agents and brokers who participate in NetQuote's services.

10. NetQuote's business depends on the reliability and accuracy of the information it provides to its affiliated insurance agents and brokers. Thus, any submission of false information through NetQuote's website can seriously damage both NetQuote's relations with its affiliates and its business reputation in general.

11. Beginning sometime in early October 2006, Defendant began submitting information through NetQuote's website that falsely indicated that certain persons identified in the Defendant's submissions to NetQuote were interested in receiving price quotes from NetQuote's insurance affiliates.

12. Unbeknownst to NetQuote, however, the persons identified by the Defendant in these false submissions had no interest in receiving any kind of price quote information.

13. As a result of NetQuote's lack of knowledge that the customer information submitted by the Defendant was false, NetQuote passed along these requests to various of NetQuote's affiliates in the relevant geographic markets, and these affiliates then attempted to contact the persons identified in the false submissions by the Defendant.

14. NetQuote's affiliates quickly ascertained that these persons had not requested any price quote information and were greatly upset by the intrusion into their privacy from the contacts of NetQuote's affiliates.

15. NetQuote's affiliates have in turn vehemently complained to NetQuote for providing them with false customer information that has risked their own business reputation and good will in their own communities.

16. As a result of these complaints, NetQuote has identified the false customer submissions as emanating from two IP addresses – 64.136.27.226 and 64.136.26.227 – that access the internet through the auspices of Juno Online Services, Inc. ("Juno").

17. Subsequent to the initial filing of NetQuote's Verified Complaint and Jury Demand in this action, this Court issued a commission for an out-of-state subpoena to Juno for the identity of the customer using Juno's services to submit the false information to NetQuote, and pursuant to that subpoena, Juno supplied the customer identification. A true and correct copy of Juno's initial subpoena response, dated December 27, 2006, is attached here, and incorporated, as **Exhibit B**. Juno provided further information concerning its customer on January 30, 2007, and that further information is attached here, and incorporated, as **Exhibit C**.

18. On information and belief, on the basis of the information provided by Juno in Exhibits B and C, NetQuote alleges that the Juno customer who submitted the false information to NetQuote through Juno's services is Brandon Byrd.

19. To date, the Defendant has submitted more than 500 false quote requests with false customer information. These false submissions have sometimes amounted to more than twenty-five false submissions per day.

20. On information and belief, in light of the large volume of false submissions by the defendants over a prolonged period of time, NetQuote alleges that the Defendant has engaged in his deceptive and fraudulent conduct with full knowledge of the consequences of his actions and with an intent to harm NetQuote and others.

21. The Defendant's false submissions have caused substantial harm to NetQuote in terms of both damage to NetQuote's business reputation and good will and in terms of the costs NetQuote has been forced to expend to implement filtering mechanisms to capture the false submissions by the Defendant.

FIRST CLAIM FOR RELIEF

Fraud

22. NetQuote incorporates the allegations of previous paragraphs of this Verified Amended Complaint as though fully set forth here.

23. Beginning sometime in October 2006, the Defendant has submitted false and misleading information to NetQuote through NetQuote's website at www.netquote.com concerning persons, both real and fictitious, who allegedly wish to receive price quotations from NetQuote's insurance affiliates on various forms of insurance, but who in reality do not wish to receive any such contact from NetQuote or NetQuote's insurance affiliates.

24. The false and misleading information submitted by the Defendant is material to NetQuote and NetQuote's insurance affiliates, who have relied on this information to their detriment.

25. NetQuote's reliance on the false and misleading submissions by the Defendant was reasonable and justified.

26. The Defendant knew the information that he was submitting to NetQuote was false and misleading.

27. NetQuote has been harmed by the Defendant's false and misleading submissions in an amount to be determined at trial.

28. The harm to NetQuote from the Defendant's false and misleading submissions cannot be adequately compensated through monetary relief.

29. NetQuote is entitled, as a result of the Defendant's false and misleading submissions, to injunctive relief prohibiting Defendant from continuing his fraudulent conduct and for such other equitable relief as the Court deems proper and just.

SECOND CLAIM FOR RELIEF
Tortious Interference with Business Relations

30. NetQuote incorporates the allegations of previous paragraphs of this Verified Amended Complaint as though fully set forth here.

31. NetQuote has contractual or other business relations with its insurance affiliates that are highly valuable to NetQuote and that depend, at least in part, on the accuracy and effectiveness of the customer information that NetQuote supplies to its insurance affiliates.

32. On information and belief, NetQuote alleges that the Defendant knew or reasonably should have known of NetQuote's business relationship with its insurance affiliates.

33. The Defendant's conduct in submitting false requests seeking rate quotes with false or fictitious customer information has interfered with the contractual and other business relations between NetQuote and its insurance affiliates.

34. The Defendant's submissions of false customer information was fraudulent and deceptive and therefore improper.

35. The Defendant's interference with NetQuote's contractual and other business relations has harmed NetQuote in an amount to be determined at trial.

36. The harm to NetQuote from the Defendant's interference in NetQuote's contractual and other business relations cannot be adequately compensated through monetary relief.

37. NetQuote is entitled, as a result of the Defendant's interference in NetQuote's contractual and other business relations, to injunctive relief prohibiting Defendant from continuing his interfering conduct and for such other equitable relief as the Court deems proper and just.

Prayer for Relief

WHEREFORE, Plaintiff NetQuote Inc prays for a judgment against Defendant Brandon Byrd as follows:

- A. Preliminary and permanent injunctive relief barring the Defendant or his agents from continuing to knowingly submit false rate quote requests to NetQuote.
- B. Damages for the harm caused by Defendant's conduct.
- C. Award of NetQuotes costs and reasonable attorney's fees in bringing this action.
- D. Award of prejudgment interest.
- E. Any other relief the Court deems proper and just.

Jury Demand

Plaintiff NetQuote Inc hereby requests trial by jury on all issues to triable.

Respectfully submitted this 16th day of February, 2007,

By /s Christopher P. Beall
Christopher P. Beall
FAEGRE & BENSON LLP

Attorneys for Plaintiff
NetQuote Inc.

Plaintiff's Address:

NetQuote Inc
1860 Blake Street, Suite 900
Denver, Colorado 80202

THIS SECOND AMENDED COMPLAINT WAS FILED WITH THE COURT THROUGH THE
LEXISNEXIS FILE-AND-SERVE ELECTRONIC FILING PROCEDURES, UNDER
C.R.C.P. 121(c), § 1-26. AS REQUIRED BY THOSE RULES, THE ORIGINAL SIGNED
COPY OF THIS PLEADING IS ON FILE WITH FAEGRE & BENSON LLP.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February, 2007 a true and correct copy of the foregoing **SECOND AMENDED COMPLAINT** was placed in the United States Mail, postage prepaid, with a courtesy electronic copy by email delivery, correctly addressed to the following:

James S. Altman, Esq.
ALTMAN & ALTMAN
170 Mitchell Street, S.W.
Atlanta, Georgia 30303
jaltman@altlaw.com

/s Tracy Reed

fb.us.1835885.01

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CO Denver County District Court 2nd JD
Filing Date: Feb 16 2007 2:13PM MST
Filing ID: 138-0299
Review Clerk: Tina Brown

Netquote provides free, simple, and effective insurance quotes

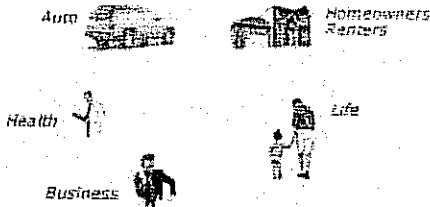
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Paying Too Much for Insurance ?

"NetQuote helped me to cut my Auto and Home insurance premiums in half."
- Pam from Denver, Colorado



Get Free Insurance Quotes	
ZIP Code:	<input type="text"/>
Quote Type:	<input type="text" value="- Select Type -"/>
Start	

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Insurance Agents - Sign Up for NetQuote@
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Since 1989, NetQuote® has provided consumers with a free, simple, and effective way to fulfill their insurance shopping needs.

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Your Privacy is Our Priority



Netquote provides free, simple, and effective insurance quotes

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Who We Are

Since 1989, NetQuote[®] has provided consumers with a free, simple, and effective way to fulfill their insurance shopping needs. NetQuote works with hundreds of partner companies that provide insurance quotes based on information that you supply. Because NetQuote is a consumer service, not an insurance company, you will get several competing quotes from different companies. This allows you to pursue the policy that best meets your needs.

How It Works

Our system is simple. First, select the type of insurance that you need. This will open up a wizard in which you will be asked a series of questions. Once you complete the wizard, NetQuote matches your information to companies with services that most closely meet your insurance needs. Those selected insurance companies process your request and contact you via email, fax, or phone with a quote. Getting started is easy, just click a link to the right.

Your Privacy

The security of your personal information is our top priority. NetQuote will never sell, distribute, or otherwise use your information for any reason other than providing you with quotes. Of course, all of your personal data is secured with *Secure Socket Layers (SSL)* to ensure your privacy over the Internet. To view our privacy policy, [click here](#).



Zip Code:

Insurance Type:

Fill out the above easy-to-use form and start saving time and money on all your insurance needs. Or simply [click here](#) to start our insurance application.

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Frequently Asked Questions

What is NetQuote?

Established in 1989, NetQuote helps consumers save money on all their insurance needs by providing competitive quotes from the nation's top insurance carriers. Please [click here](#) to view our Corporate Fact Sheet.

How does NetQuote work?

NetQuote saves you time and money by allowing you to complete one quick [online application](#) and receive multiple quotes from top insurance carriers in your area.

What is the NetQuote privacy policy?

We take your privacy very seriously. Please [click here](#) to view our complete privacy policy.

When can I expect to hear back from agents?

Expect to be contacted within twenty-four hours of completing your application.

Is NetQuote an insurance company?

NetQuote is not an insurance company. We do work closely with the nation's top insurance carriers to help people find the insurance that best meets their needs.

Who do I contact with a claim?

Please contact your insurance provider with any claims, changes to your coverage, or questions you may have about your policy.

What types of insurance quotes can I get from NetQuote?



Zip Code:

Insurance Type:

Auto Insurance

Fill out the above easy-to-use form and start saving time and money on all your insurance needs. Or simply [click here](#) to start our insurance application.

Learn More About...

- [Auto Insurance](#)
- [Home Insurance](#)
- [Health Insurance](#)
- [Group Health Insurance](#)
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NetQuote has helped millions of people save on Automobile, Homeowners, Health, Life, Business, and Group Insurance.

• [Business Insurance](#)

Who do I contact if I have a question about my quote?

If you have questions concerning your NetQuote application, [click here](#). If you have questions regarding a specific quote you have received from an insurance agent, please contact that insurance agent.

Our Partners:



What can I do to make the application process easier?

We have designed our application to be as easy as possible, while gathering the necessary information to get you as competitive a quote as possible. To make the application process even easier, we suggest that you have a copy of your current policy handy.

Where is NetQuote located?

NetQuote is located in Denver, Colorado, but we help people save money on insurance in all 50 states and the District of Columbia.

I am an insurance agent, and I would like to join your network. Who do I contact?

[Click here](#) for more information on our lead services.

I am interested in joining your affiliate network. Who do I contact?

[Click here](#) for more information on our affiliate network.

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Review Clerk: Tina Brown

December 27, 2006

To: Christopher J. Dalton, Esq.
From: Wilson Lihn
Re: Netquote Civil Subpoena

Dear Mr. Dalton:

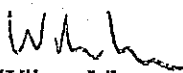
Attached are records you requested for the Netzero account that accessed the United Online proxy servers 64.136.27.226 and 64.136.26.227 during the dates and times you supplied in October and November, 2006: minch1@netzero.net.

These records are kept in the normal course of business for United Online.

Please note that the account is active and uses Netzero's paid email service.

Please feel free to call me if you have any questions about these records.

Regards,


Wilson Lihn
Custodian of Records
United Online

Member Information
All times Pacific

Member ID:	mlnch1
Member ID Domain:	netzero.net
Member Name:	Melissa Buchschacher
Birth Date:	May 02, 1971
Alt E-mail:	none
Status Code:	Active
Status Date:	November 06, 2000 16:25:17
Profile Last Updated:	June 23, 2006 19:04:00
Member Join Date:	November 06, 2000 16:25:17
IP address of account creation:	n/a

Address Information

Address:	147 angus trail
City:	atlanta
State/Province:	GA
Country Code:	US
Zip/Postal:	30328
Home Phone:	(404) 343-3023
Work Phone:	



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Fax

To: Jun Altman	From: Wilson Lihn
Company:	Fax: (212) 597-9125
Fax: 404-525-0339	Phone: (212) 597-9647
Re: Minch1@netzero.net	Date: 1/30/2007

● Comments: 2 pages including cover sheet

Attached are records you requested for the Netzero account minch1@netzero.net.

These records are kept in the normal course of business for United Online.

Please note that the account is active and uses Netzero's paid email service.

Please feel free to call me if you have any questions about these records.

Regards,

Wilson Lihn
 Custodian of Records
 United Online

January 30, 2007

Member Information
All times Pacific

Member ID: minch1
Member ID Domain: netzero.net
Member Name: Melissa Buchschacher
Birth Date: May 02, 1971
Alt E-mail: none
Status Code: Active
Status Date: November 06, 2000 16:25:17
Profile Last Updated: June 23, 2006 19:04:00
Member Join Date: November 06, 2000 16:25:17
IP address of account creation: n/a

Address Information

Address: 147 angus trail
City: atlanta
State/Province: GA
Country Code: US
Zip/Postal: 30328
Home Phone: (404) 343-3023
Work Phone:

According to our records, on March 30, 2006, Melissa Buchschacher called to cancel her Platinum billed account, and the paid account was cancelled that day. The free account remained open.

On April 2, 2006, the billable account was reactivated. This is the credit card information we have associated with the account:

Brandon Byrd
147 angus trail
atlanta, GA 30328

Home telephone: 4043433023
Work telephone: 4043433023
minch1@netzero.net

Master Card 52872214

