

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>Court Address: 1437 Bannock Street Denver, Colorado 80202</p> <hr/> <p><b>Plaintiff:</b> NETQUOTE INC, a Colorado Corporation</p> <p>v.</p> <p><b>Defendants:</b> JOHN DOE No. 1, an internet user making use of the IP Address 64.136.27.226; and, JOHN DOE No. 2, an internet user making use of the IP Address 64.136.26.227;</p> <hr/> <p><b><u>Attorneys for Plaintiff</u></b> Christopher P. Beall, #28536 FAEGRE &amp; BENSON LLP 3200 Wells Fargo Center 1700 Lincoln Street Denver, Colorado 80203 Telephone: (303) 607-3500 Facsimile: (303) 607-3600 E-mail: <a href="mailto:cbeall@faegre.com">cbeall@faegre.com</a></p>	<p>FILED Document CO Denver County District Court 2nd JD Filing Date: Oct 31 2006 9:44PM MST Filing ID: 12786186 Review Clerk: Oratray Khien</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: _____</p> <p>Division: _____</p>
<p><b>MOTION FOR ISSUANCE OF COMMISSION FOR OUT-OF-STATE DEPOSITION</b></p> <p><b>(Expedited Consideration Requested)</b></p>	

Plaintiff NetQuote Inc ("NetQuote"), through its counsel with Faegre & Benson LLP, pursuant to C.R.C.P. 28(c), respectfully applies for issuance by this Court of a Commission authorizing the issuance of a foreign subpoena to compel the attendance of the Custodian of Records of Juno Online Services, Inc., at an out-of-state deposition for the production of certain documents in this action. NetQuote further requests, in light of the nature of this matter, that this Court give expedited consideration to this Motion.

In support of this Motion, NetQuote states as follows:

1. This case involves allegations against anonymous author(s) of submissions of false customer information to NetQuote's website through the internet service provided by Juno Online Services, Inc. ("Juno").
2. NetQuote has been unable to determine the true identity of the author(s) of the submissions at issue in this case. The postings were made by one or more individuals using the IP addresses 64.136.27.226 and 64.136.26.227, which IP addresses were assigned to the authors by Juno.
3. Juno, as the internet service provider for these defendants, has information concerning the identity and location of these customers using those IP addresses.
4. As part of its Privacy Statement to its customers, Juno indicates that it will release information identifying a customer pursuant to a court order, subpoena or other judicial process or to further an investigation into unlawful activity.
5. Juno is located in Fort Lee, New Jersey.
6. Under Rule 28(c), C.R.C.P., when it becomes necessary to take the testimony of a non-party witness residing outside Colorado, "[a] commission or letters rogatory shall be issued when necessary, on application and notice, and on terms that are just and proper." *See also Solliday v. District Court*, 313 P.2d 1000 (Colo. 1957).
7. NetQuote requests expedited consideration of this application because of the irreparable nature of its injury in this case and because it appears that the defendants are continuing to their unlawful conduct of submitting false and misleading customer information to NetQuote.

**Certificate of Compliance with C.R.C.P. 121(c), § 1-15(8)**

Pursuant to Rule 121(c), § 1-15(8), undersigned counsel for NetQuote certifies that he is unable to confer with either the defendants or their counsel because the identities of such persons are unknown, despite reasonable diligence on the part of NetQuote in attempting to identify these persons.

WHEREFORE, NetQuote respectfully requests that this Court – upon an expedited review of this application – enter a Commission authorizing the issuance of a foreign subpoena in New Jersey compelling the deposition testimony of the Custodian of Records for Juno and the production of documents pertaining to the anonymous defendants in this action, and for such further relief as the Court deems just and appropriate.

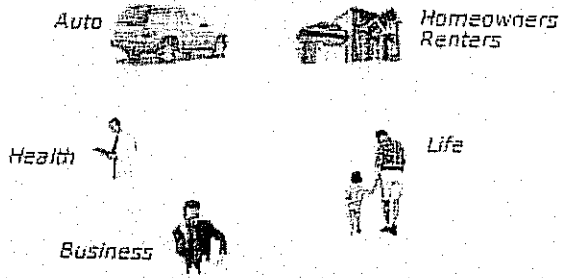
A proposed Commission, as well as a proposed Order approving issuance of the Commission, are attached.

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CO Denver District Court 2nd JB  
Filing Date: Oct 31 2006 9:44 AM MST  
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## Who We Are

Since 1989, NetQuote<sup>®</sup> 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](#).



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

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INSURANCE SHOPPER

Zip Code:

Insurance Type:

Auto Insurance

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

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<http://www.netquote.com/about/about-faq.html>

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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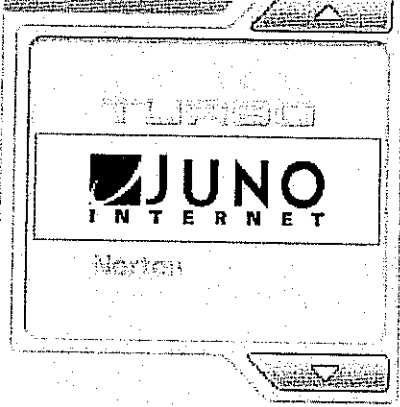
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**Juno Internet Service Provider offers Turbo, Platinum and Free Internet Service.**

Juno is a nationwide ISP offering consumers a choice of 3 low price dial up Internet access options to meet budget and personal Internet connection needs.

**Juno Platinum Internet service** offers a value-priced high-quality Internet connection for – less than half the other Internet Services Providers such as AOL, EarthLink and MSN<sup>#</sup>, only \$9.95 per month\*. This easy-to-use service will download in as little as 2 minutes and provides the best of what the Internet has to offer, including web email, direct access to anywhere you want to go on the World Wide Web, reliable Internet connections, compatibility with popular instant messaging programs offered on AOL, Earth Link, MSN and Yahoo, and features such as easy access to search engines, news and sports headlines, shopping, and financial services with no frills. This Internet service is also available to Mac users.

**Juno Turbo Internet** is a next generation dial up Internet access service delivering up to five times faster VDSL surfing<sup>†</sup> now with Pop-up Blocker. The Juno High Speed Internet service works from any phone jack using a standard dial up connection, does not require any new hardware and can be downloaded in five minutes at [www.juno.com](http://www.juno.com). The price for this service is only \$14.95 per month\*, and includes the standard Juno Platinum service including compatibility with instant messaging at no additional charge.

For the occasional Internet user, Juno also offers an ad-supported Free ISP which gives consumers free internet access to anywhere on the Internet, for up to 10 hours each month, webmail, a reliable Internet connection, compatibility with many popular instant messaging programs offered by AOL, EarthLink, MSN and Yahoo<sup>†</sup>, access to search engines, news and sports headlines, shopping, financial services and more. Download Juno Free Internet service in only 2 minutes at [www.juno.com](http://www.juno.com).

Juno Internet service includes Juno Email on the Web, a webmail account that gives you 24x7 access to your email from any computer with Internet access and includes Email Virus Protection that works to detect and block infected email from your Juno email account.

Compare the savings you will enjoy by using Juno Platinum service as your Internet Provider over the standard service offered by other ISPs such as AOL, EarthLink, MSN and Yahoo<sup>#</sup>.

Juno can be accessed at both [Juno.com](http://Juno.com) and [Juno.net](http://Juno.net) and is available in more than 8,000 cities across the United States and in Canada.

Juno's parent company, United Online, also offers online photo sharing through [www.photosite.com](http://www.photosite.com), photo storage through [www.myphotosafe.com](http://www.myphotosafe.com), voip service through [www.netzerovoice.com](http://www.netzerovoice.com), and private phone online voicemail through [www.privatephone.com](http://www.privatephone.com).

Juno is a proud supporter of Ronald McDonald House Charities® (RMHC). For more information about how you can support RMHC, please [click here](#).

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## Privacy Statement for Juno Members

### Overview

**Juno is committed to protecting your privacy.**

At Juno, we want the people who use our services to have the best possible Internet experience. This means more than just providing compelling features and reliable service. It also means giving our users a sense of comfort with regard to their use of our services and the privacy of the personal information they share with us. To accomplish this goal, we have strict privacy policies designed to protect subscribers to and users of our services and everyone who visits our World Wide Web site (our services and site are referred to collectively as the Service; our site by itself is referred to as the Site).

This Privacy Statement summarizes our privacy and information use policies and, together with our Service Agreement and Guidelines for Acceptable Use, governs your use of the Service. This Privacy Statement, the Service Agreement and the Guidelines supersede all prior communications and agreements with regard to their subject matter; the current version of each may be found at Juno's Web site at <http://www.juno.com/privacy>. Our privacy policies may change from time to time, and if they do, any changes will be posted in this Privacy Statement before taking effect. We will not use any personal information collected on the Site in a manner different from that stated at the time the information is collected, without first notifying you by email (at which time we would also notify you of how you can "opt out" of such use). While we expect to notify our subscribers (by email or through other means) of any significant changes to the Privacy Statement, you should check this Web page periodically to be sure you are familiar with our current policies.

If you have a question about the information below, please contact Juno at:

Attn: Compliance Officer - Legal Department  
Juno Online Services, Inc.  
2 Executive Drive Suite 820  
Fort Lee, NJ 07024  
[security@juno.com](mailto:security@juno.com)

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This Privacy Statement will explain the following regarding our Site and Service:

1. Juno is committed to protecting your privacy
2. We collect data to help us operate our Web site and services

<http://www.juno.com/legal/privacy.html?cf=wwwjn>

3. We keep confidential any personal information that might identify
4. When we use third parties to perform business functions for us, we require them to treat your information confidentially
5. We take care to maintain the security of your information
6. Our Web site does not use cookie technology in ways that compromise your privacy
7. Please be aware that other companies may collect various types of information about you and have different privacy policies and practices
8. Your Member Profile helps us personalize your Internet experience
9. You can change your Member Profile at any time
10. When you are ready to share your personal information, you have several ways you can give your consent
11. We take special care with respect to the privacy of children

**We collect data to help us operate our Web site and services.**

In addition to Member Profile and other survey data obtained from our subscribers (as discussed below), we may collect information relating to how you use the Site or the Service (including, for example, information relating to your frequency of use, navigational information such as the uniform resource locator (URL) of the Web pages you visit, configuration information such as the type of Web browser you are using, your Internet Protocol (IP) address, processor type, operating system, software on your computer that may interact or interfere with our Software or Service, information relating to the length of time you use the Service or that your computer is turned on, and information relating to the display of any advertisements transmitted to you). We may update the information in your Member Profile with information obtained through generally accepted methods of address verification.

In the course of operating the Site or Service, Juno may sometimes use standard industry techniques to collect information about use of the Site or Service (for example, how often our visitors use a certain part of the Site). However, we never provide third parties with information about personal usage characteristics in conjunction with information that might identify you. To help our partners understand how visitors use our Site, we may share certain information about our Site with them. This information is normally disclosed in the aggregate, meaning that information from many users is grouped together, and is disclosed in a way that does not reveal the identity of any particular user.

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**We keep confidential any personal information that might identify you.**

Some of the information we collect from our users could identify them personally. Such "Identifier Information" includes a person's name, address, email address, credit card number, and telephone number. We will not share any individual's personal Identifier Information with a third party without that individual's consent (except as required or requested by law, regulation or order; pursuant to requests from governmental agencies or law enforcement authorities; as necessary to identify,

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contact or bring legal action against someone who may be violating the Service user agreements; to operate the Services properly; or to protect Juno, our members or other third parties including, without limitation, other emergency situations; or as set forth in this Privacy Statement). We may share your Identifier Information with our affiliates that are subject to privacy policies that protect your Identifier Information from disclosure to third parties in a manner similar to this Privacy Statement. If we sell, assign or transfer the part of the business that provides a particular Service to you, your Identifier Information may be sold, assigned or transferred as a part of such transaction.

We will never use any personal information you provide on the Site for purposes unrelated to the services or promotions for which you sign up, unless we notify you in advance and give you the opportunity to choose not to provide this information to us. When you provide personal information to us on the Site, you will always have the opportunity to review, correct or update it through the Site, or by contacting Juno's customer service department.

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**When we use third parties to perform business functions for us, we require them to treat your information confidentially.**

From time to time, we form relationships with selected third parties to perform functions on our behalf such as (but not limited to) the provision of customer service and technical support to our subscribers, the processing of credit card charges for billing purposes, the marketing of advertising inventory on and the targeting and distribution of advertisements over the Service, or the installation of services ordered through the Site. We may disclose information about our users (including Identifier Information) to such third parties in order to facilitate their performance of their functions, provided that the parties in question agree to use the confidential information with which we entrust them only for the express purpose of completing Juno business, and agree not to release this information to anyone else.

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**We take care to maintain the security of your information.**

All information provided to us on the Site or by our subscribers is stored on secure computers, where it is made available only to Juno staff members or representatives who need it to do their jobs. (For example, it may be necessary for Juno staff members or representatives to examine system operational and accounting logs and other records to resolve service-related problems.) If we need to share any of your personal information with any company performing services for us, that company must agree to confidentiality restrictions and security measures to safeguard such information.

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**Our Web site does not use cookie technology in ways that compromise your privacy.**

We use a feature of your Web browser called cookies to automate certain aspects of our Web site. Cookies are very small files that are stored on your computer and that enable us to recognize your computer each time you return to our site. By using cookies, we can keep track of your preferences, what you have already seen on our site and what you haven't, and any personalization you've done, without requiring you to enter a password every time you come back. We do not use cookies in any way that would disclose your Identifier Information to a third party without your consent.

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**Please be aware that other companies may collect various types of information about you and have different privacy policies and practices.**

Juno takes great care to ensure its users' privacy – but not every company has comparable policies. Other than Juno's own Site, no site on the Web is under Juno's control, and Juno cannot assume any responsibility for any other site's content or practices. Providers of Internet sites or services have separate data and privacy practices independent of Juno that govern the manner in which they use the information that you provide to them. Many Web sites use cookies to recognize you when you return to their site; some sites require that you provide information before they allow you to enter; some automatically gather information when you visit, such as what operating system your computer runs, what type of Web browser you use, what Internet access provider you use, or what other Web pages you visit; and sites vary greatly (from each other and from Juno) with regard to how they use such information and to whom they disclose it. We encourage you to read third parties' privacy policies, and to exercise care each time you are asked to provide personal information at a site whose privacy policies you don't know.

Even within Juno's Site, many of the features and much of the content is supplied by third parties (or jointly by Juno and one or more third parties), each of which has its own privacy policies and practices, and the Site may link to some pages provided by third parties that are co-branded by Juno

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and the provider. You may be asked to provide personal information when you register for certain services or promotions on our Site; in such cases, the information you provide may be collected and used by a third party rather than, or in addition to, Juno. Our policy requires such third parties to notify you in advance if they intend to use information you provide for purposes unrelated to the services or promotions for which you sign up, and to give you the opportunity to choose not to use their service rather than share your information with them, but we cannot assume responsibility for their compliance with our policy.

We may engage third parties to serve the advertisements that appear on our Web site and within other parts of the Juno interface. These companies may use cookies to ensure you do not see the same advertisements too often, and these cookies also may collect information about you when you view or click on an advertisement. Such ad-serving companies are responsible for placing and reading these cookies; we do not have access to these cookies or control how they are used. We may use an email delivery and marketing company to send emails that you have agreed to receive. Pixel tags and cookies are used in those email messages and on our Service to help us measure the effectiveness of our advertising and how visitors use our Service.

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**Your Member Profile helps us personalize your Internet experience.**

All subscribers to our free basic service must complete a Member Profile containing questions about their interests and demographics, among other topics. People who sign up directly for one of our billable premium services are encouraged, but not required, to complete a Member Profile as well. All subscribers are expected to keep the information in their Member Profile up to date. (For instructions on how to update your Member Profile, see "You can change your Member Profile at any time," below.) In addition, we may collect further information from time to time through supplemental surveys.

We use the information our subscribers provide to personalize their Internet experience and to meet the needs of our advertisers. For example, while all our members see advertisements, they don't all have to see the same advertisements. If we know that a particular user loves to ski, we might show her an ad for winter vacations; a user who indicates that he has young children might see an ad for pre-school toys. By targeting content in this way, we can make it more likely that the marketing messages and offers on Juno are of interest to the people who see them, which serves both our subscribers' and our advertisers' interests. You agree that we may use Member Profile and other information you provide or relating to your use of the Service to, among other things, facilitate the distribution of information to you by others and administer the Site and maintain and improve the Service.

We may disclose to advertisers or other third parties statistical information derived through the aggregation of information you provide or relating to your use of the Service with information associated with all or some subset of the other subscribers to the Service -- for example, we might

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inform an advertiser interested in marketing a product on the West Coast of the number of Juno subscribers who live in California – but we will not share the names or addresses (or other Identifier Information) of any of those subscribers with advertisers without their consent.

We will not intentionally monitor or disclose any private email message or online communication, although we reserve the right to monitor accounts that are believed to be acting in violation of the Service Agreement, Guidelines for Acceptable Use, or any applicable law or regulation; to protect the integrity of our Service or the Internet community as a whole; or pursuant to request of governmental or legal authority.

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**You can change your Member Profile at any time.**

If you want to update or correct the information in your Member Profile (or to create a Member Profile if you're a premium service subscriber who wishes to do so), just click on the word Options at the top of the Juno screen and then select "Update Member Profile" from the menu that drops down. Any changes you make will be sent to us the next time you connect to Juno's central computers to send or receive email.

Juno may keep your Member Profile information and other information provided by you or relating to your use of the Service for record keeping, dispute resolution or auditing purposes, to send you offers we feel may be of interest to you, or in order to comply with requests from governmental or legal authorities.

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**When you are ready to share your personal information, you have several ways you can give your consent.**

There may be times when you do want to share personal information with an advertiser or other third party. For example, if you see an advertisement for a product that interests you, you might wish to receive more information about that product by mail – or you may want to purchase the product immediately. You might want to sign up to get email on a certain topic. Or you might decide to register for a service that requires you to share some information about yourself during the registration process.

We will pass your personal information along to a third party only with your consent, and there are a number of ways in which you can give such consent. By way of example, we might obtain such consent by asking whether you are willing to have your Identifier Information disclosed to an advertiser or other third party, or by asking whether you object to the disclosure of such Identifier Information to an advertiser or other third party. If we notify you before you give us certain information

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(during the account creation process or at any other time) that we intend to share the information with a third party, and following such notification you choose to provide the information, we will assume that you consent to our sharing it with the third party as stated. And if you choose to buy goods or services through the Service, we will assume that you consent to our sharing some or all of your Identifier Information with the company selling, providing, or shipping to your address the goods or services you buy.

By way of illustration, an organization you belong to - for example, the National Unicycle Association (NUA) - might wish to include a free copy of Juno along with the next mailing of its monthly newsletter, not only as a service to all NUA members, but to allow the NUA to save money by sending membership renewal notices by email to those NUA members who choose to open a Juno account. In such a case, permission to release personal contact information to the NUA (in this example, a Juno email address) might be obtained by informing each individual during the account creation process that if he or she wishes to register for a Juno account through the NUA, his or her Juno email address will be accessible not only to Juno, but to the NUA as well. An individual who preferred not to share this information with the NUA would be free to terminate the account creation process at that point.

In another typical example, Truly Magnificent Software Corporation (TMSC) might arrange to bundle the Juno software along with one of its (truly magnificent) products, and might wish to inform its customers by mail about any subsequent TMSC software upgrades or new product releases. At the time of registration, each prospective member might be presented with a checkbox labeled "Click here if you would prefer not to release your address to TMSC." Even if TMSC were to require a mailing address from anyone who wished to register for Juno through TMSC (which is not the case for all of Juno's distribution partners), the prospective Juno subscriber would be offered the option (as in the case of our hypothetical unicycle enthusiasts) of declining to complete the registration process as an alternative to inclusion on TMSC's mailing list.

In short, there are a number of different ways (only some of which have been illustrated here) in which a member might grant permission for the release of his or her personal information to a third party, but it is against Juno's policy to release any such information to a third party in the absence of such permission.

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**We take special care with respect to the privacy of children.**

Juno believes it is especially important to protect children's and minors' privacy online. We encourage parents and guardians to spend time online with their children to participate in and monitor their Internet activity. All minors should have parental consent before using the Service or disclosing any personal information online. Juno adheres to the Children's Online Privacy Protection Act, and Juno will not use or disclose personal information from children under 13, except as may be permitted under the Act.




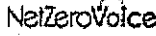
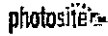
<http://www.juno.com/legal/privacy.html?cf=wwwjn>

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