

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p>	<p>FILED Document CO Denver County District Court 2nd JD Filing Date: Oct 31 2006 9:44PM MST Filing ID: 12786186 Review Clerk: Orathay Khiem</p>
<p>Court Address: 1437 Bannock Street Denver, Colorado 80202</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Plaintiff: NETQUOTE INC, a Colorado Corporation</p>	<p>Case Number: _____</p>
<p>v.</p> <p>Defendants: 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>	<p>Division: _____</p>
<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 align="center">MOTION FOR PERMISSION TO CONDUCT LIMITED, PRELIMINARY DISCOVERY TO DETERMINE IDENTITY OF DEFENDANTS</p> <p align="center">(Expedited Consideration Requested)</p>	

Plaintiff NetQuote Inc ("NetQuote"), through its counsel with Faegre & Benson LLP, pursuant to C.R.C.P. 26(d), respectfully moves this Court for an Order authorizing NetQuote to conduct limited, preliminary discovery for the sole purpose of obtaining identifying and locating information on the defendants in this civil action. NetQuote further requests, in light of the nature of this matter, that the Court give expedited consideration to this motion.

In support of this Motion, NetQuote states as follows:

1. Plaintiff NetQuote is a Colorado company that has become the victim of fraudulent and deceptive internet website postings at its website www.netquote.com, by certain anonymous persons using internet access supplied by Juno Online Services, Inc. ("Juno"). NetQuote has submitted a Verified Complaint and Jury Demand setting forth its claims of fraud and tortious interference with business relations, and the allegations of that complaint are incorporated here by reference. *See* Verified Complaint, ¶¶ 5-6, 11-18.

2. Because the defendants have posted their misleading submissions to NetQuote through false names, and because Juno has refused to voluntarily provide identifying information on the defendants absent a court order, in light of Juno's privacy policy, NetQuote has been unable to identify the true names or locations of the defendants.

3. Under Juno's Privacy Statement, Juno has committed to its users that it will not disclose identifying information on a Juno customer without the customer's consent "except as required or requested by law, regulation or order." *See* Verified Complaint, ¶ 17.

4. This Court has authority to permit preliminary discovery in furtherance of its jurisdiction in this matter. *See* Rule 26(d), C.R.C.P.

5. Because of the irreparable harm being suffered by NetQuote as a result of the false and misleading submissions by the defendants and because of the practical impossibilities of obtaining information concerning the identities of the defendants absent a court order to Juno, it would be unfairly prejudicial to NetQuote were the Court to decline to permit NetQuote to pursue limited, preliminary discovery in this case.

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 consideration of this motion – grant permission under C.R.C.P. 26(d) for NetQuote to conduct limited, preliminary discovery solely for the purpose of obtaining identifying and locating information on the defendants.

A proposed Order is attached.

Respectfully submitted this 31st day of October, 2006,

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

Attorneys for Plaintiff
NetQuote Inc.

THIS MOTION 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.

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