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 8 *Kenneth Adamson and Phillip Huston*

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 13 *Kenneth Adamson and Phillip Huston*

11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **FOR THE EASTERN DISTRICT OF WASHINGTON**  
 13 **AT RICHLAND**

13 James S. Gordon, Jr.,  
 14 Plaintiff,  
 15 v.  
 16 Impulse Marketing Group, Inc.,  
 17 Jeffrey Goldstein, Phillip Huston,  
 18 and Kenneth Adamson,  
 19 Defendants.

Case No.: CV-04-5125-FVS

DECLARATION OF  
 SEAN A. MOYNIHAN, ESQ. IN  
 SUPPORT OF DEFENDANT  
 HUSTON'S MOTION TO DISMISS  
 OR, IN THE ALTERNATIVE, FOR  
 A MORE DEFINITE STATEMENT

19 Impulse Marketing Group, Inc.,  
 20 Third-Party Plaintiff,  
 21 v.  
 22 Bonnie F. Gordon, Jamila Gordon,  
 23 James Gordon, III, and Jonathan  
 24 Gordon,  
 25 Third-Party Defendants.

26 Sean A. Moynihan, an attorney and counselor at law duly licensed in the State of

1 New York, now declares:

2 1. I am a partner with the law firm of Klein, Zelman, Rothermel & Dichter,  
3 L.L.P., counsel for Defendants Impulse Marketing Group, Inc. (“Impulse”), Jeffrey  
4 Goldstein (“Goldstein”), Kenneth Adamson (“Adamson”) and Phillip Huston  
5 (“Huston”) (collectively, “Defendants”) in the above-captioned action. I submit this  
6 declaration in support of Defendants’ Memorandum in Support of Defendant  
7 Huston’s Motion to Dismiss or, in the Alternative, for a More Definite Statement.  
8 Except as to matters alleged below as being upon information and belief, I am fully  
9 and personally familiar with the facts and circumstances set forth herein.

10 2. This action was commenced by the filing of a summons and complaint  
11 on November 23, 2004 against Impulse (the “Original Complaint”).

12 3. The Original Complaint was rife with vague and ambiguous allegations  
13 that Impulse had violated “at least one” provision of RCW § 19.190, *et seq.* (collectively  
14 referred to as “CEMA”).

15 4. In an attempt to divine the precise allegations contained in the Original  
16 Complaint, and the factual bases thereof, Impulse served its initial discovery requests  
17 on or about December 23, 2005.

18 5. Plaintiff’s purported responses were so deliberately evasive and  
19 incomplete as to be considered non-responsive, and shed no light on the allegations in  
20 the Original Complaint.

21 6. To date, Plaintiff has steadfastly refused to properly respond to Impulse’s  
22 discovery requests, and has repeatedly reiterated that he will not disclose how  
23 Defendants allegedly violated the statutes; instead, telling Defendants to “figure it out”  
24 for themselves.

25 7. On or about May 2, 2006, this Court granted in part and denied in part  
26 Plaintiff’s motion to amend the Original Complaint. On or about June 13, 2006,

1 Plaintiff filed his First Amended Complaint (the “Amended Complaint”), naming three  
2 (3) new individual defendants and adding new causes of action.

3 8. On or about November 2, 2006, Plaintiff served his First Amended  
4 Complaint on Huston.

5 9. Despite this Court’s Order directly prohibiting him from adding any new  
6 plaintiffs and in wilful disregard of Fed. R. Civ. P. 15, Plaintiff unilaterally amended the  
7 caption to add “d/b/a Gordonworks.com” as a plaintiff. Plaintiff never sought leave  
8 of the Court to add the alleged d/b/a Gordonworks.com as a plaintiff. Further, upon  
9 information and belief, such d/b/a is not properly registered as a trade name with the  
10 State of Washington Department of Licensing.

11 10. Both the Original Complaint and Amended Complaint fail to specify  
12 either a time frame during which such violations are alleged to have occurred, or the  
13 number or emails alleged to have been sent by Defendants in violation of CEMA,  
14 RCW § 19.86, *et seq.* (collectively referred to as “CPA”), 15 U.S.C. § 7701, *et seq.*  
15 (collectively referred to as “CAN-SPAM”) and/or RCW § 19.170, *et seq.* (collectively  
16 referred to as the “Prize Statute”).

17 11. Plaintiff refuses, either in his pleadings or in his discovery, to identify how  
18 Defendants allegedly violated CEMA, CPA, CAN-SPAM and/or the Prize Statute.

19 12. Now, more than (2) years into the action and four hundred fifty (450)  
20 docket entries later, Defendants are no closer to being able to decipher and/ or defend  
21 the allegations lodged against them.

22 13. Plaintiff’s averments in this action contradict those made by Plaintiff in  
23 other actions. Specifically, although Plaintiff claims in this action to own the server, in  
24 a separate action against Virtumundo, Inc. Plaintiff stated that the server on which the  
25 domain name Gordonworks.com resides is owned by third-party Omni Innovations,  
26 LLC. However, upon information and belief, Gordonworks.com is in fact hosted by

1 Webmasters.com on a server located in Tampa, Florida. In addition, the internet  
2 domain server ns.gordonworks.com has been assigned Internet Protocol (“IP”)  
3 address 68.178.150.119 by the domain name registrar Go Daddy Software, Inc. This  
4 IP address is, upon information and belief, situated in Scottsdale, Arizona. Attached  
5 hereto as Exhibit A is the DNS Lookup information related to the domain name,  
6 server and IP address.

7 14. James S. Gordon, Jr. is a professional plaintiff, whose tendency to  
8 exaggerate has already been noted by Judge Coughenour of the Western District of  
9 Washington. Attached hereto as Exhibit B is a copy of Judge Coughenour’s decision  
10 in Gordon v. Virtumundo, Inc., Case No. CV06-0204JCC.

11 15. On or about August 31, 2006, Defendants Impulse, Goldstein and  
12 Adamson filed motions to dismiss the Amended Complaint.

13 16. In response, on or about September 11, 2006, Plaintiff filed an  
14 unauthorized Second Amended Complaint without leave of court or consent of the  
15 parties, in violation of Fed.R.Civ.P. 15. To date, the Second Amended Complaint has  
16 not been withdrawn.

17 17. On or about September 13, 2006, Defendants Impulse, Goldstein and  
18 Adamson filed an objection to the unauthorized pleading. In addition, following  
19 numerous requests that Plaintiff withdraw the offending pleading, on or about  
20 November 8, 2006, Defendants Impulse, Goldstein and Adamson moved this Court  
21 for sanctions against Plaintiff and his counsel.

22 18. Plaintiff admitted on his website that he has “developed a system that  
23 shifts the ‘financial’ burden from [himself] back to those who choose to send [him]  
24 spam.” Attached hereto as Exhibit C is a printout of Plaintiff’s website from March  
25 2004 obtained from Internet Archive’s Wayback Machine, as well as information about  
26 the Wayback Machine.

1 19. Plaintiff's scheme is further evidenced by the fact that, upon information  
2 and belief, he has filed no less than eleven (11) lawsuits, not including the present  
3 action, against email marketers since 2004.

4 20. Plaintiff has no basis in law or in fact to bring this action against Huston.

5 21. Plaintiff's action is simply an improper attempt to coerce Defendant(s)  
6 into settling this frivolous action.

7  
8  
9 DATED this 2<sup>nd</sup> day of January, 2007.

10  
11   
12 Sean A. Moynihan

# Exhibit A

# DNS Lookup: www.gordonworks.com ALL record

Generated by [www.DNSstuff.com](http://www.DNSstuff.com) at 19:52:02 GMT on 30 Aug 2006.

#### Peer 1 Hosting Plans

High performance hosting plans from \$269.  
Request a quote online  
[www.dedicatedhosting.com](http://www.dedicatedhosting.com)

#### Nibblers

Trumpf power tools New Tools and  
Replacement parts  
[www.emaxaction.com](http://www.emaxaction.com)

#### Free DNS Service

Flexible DNS service for every domain - .com,  
.net, .org, and more  
[www.pairNIC.com](http://www.pairNIC.com)

How I am searching:

Searching for www.gordonworks.com ALL record at h.root-servers.net [128.63.2.53]: Got referral to j.gtld-servers.net [192.48.79.30]: Got referral to ns2.gordonworks.com [68.178.150.119]: Got CNAME of gordonworks.com [198.41.0.4]: Got referral to D.GTLD-SERVERS.NET [192.31.80.30]: Got referral to ns1.gordonworks.com [68.178.150.119]: Reports mail.gordonworks.com

Answer:

Domain	Type	Class	TTL	Answer
gordonworks.com.	MX	IN	86400	mail.gordonworks.com. [Preference = 10] Primary DNS server: ns.gordonworks.com. Responsible Name: root@gordonworks.com. Serial: 1117646086
gordonworks.com.	SOA	IN	86400	Refresh: 10800 (3h) Retry: 3600 (1h) Expire: 604800 (1w) Minimum/NegTTL: 86400 (1d)
gordonworks.com.	NS	IN	86400	ns.gordonworks.com.
gordonworks.com.	A	IN	86400	<a href="http://68.178.150.119">68.178.150.119</a>
mail.gordonworks.com.	A	IN	86400	68.178.150.119
ns.gordonworks.com.	A	IN	86400	68.178.150.119

**NOTE:** One or more CNAMEs were encountered. www.gordonworks.com is really gordonworks.com.

There is no need to *refresh* the page -- to see the DNS traversal, to make sure that all DNS servers are report the same results, you can [Click Here](#).

Note that these results are obtained in real-time, meaning that these are **not** cached results. These results are what DNS resolvers all over the world will see right now (unless they have cached informati

**Note about ANY/ALL lookups:** The ANY/ALL record type is designed to show every DNS record for a hostname. We display all DNS records that are returned to us. There are two catches to ANY/ALL lookups, however. The first is that it only returns DNS records for the hostname that you enter, so if you enter 'example.com' you will see the A record for example.com and MX record for example.com, but you will not see the A record for www.example.com (this isn't possible without a zone transfer, which normally requires special permission). The other catch is that some DNS servers are unfortunately set up to 'lie', and not return all the DNS records for a hostname. This behavior is the same no matter what you use to do the DNS lookup.

(C) Copyright 2000-2006 DNSstuff.com

# WHOIS results for 68.178.150.119

Generated by [www.DNSstuff.com](http://www.DNSstuff.com)

Location: United States (City: Scottsdale, Arizona)

NOTE: More information appears to be available at [NOC124-ARIN](http://noc124-arin.net).

Using 0 day old cached answer (or, you can [get fresh results](#)).

Displaying E-mail address (use sparingly -- this will make it more likely that you will trigger our rate limiting system).

OrgName: Go Daddy Software, Inc.  
OrgID: GDS-31  
Address: 14455 N Hayden Road  
Address: Suite 226  
City: Scottsdale  
StateProv: AZ  
PostalCode: 85260  
Country: US

NetRange: 68.178.128.0 - 68.178.255.255  
CIDR: 68.178.128.0/17  
NetName: GO-DADDY-SOFTWARE-INC  
NetHandle: NET-68-178-128-0-1  
Parent: NET-68-0-0-0  
NetType: Direct Allocation  
NameServer: CNS1.SECURESERVER.NET  
NameServer: CNS2.SECURESERVER.NET  
Comment:  
RegDate: 2005-04-12  
Updated: 2005-11-11

RAbuseHandle: ABUSE51-ARIN  
RAbuseName: Abuse Department  
RAbusePhone: +1-480-624-2505  
RAbuseEmail: [abuse@godaddy.com](mailto:abuse@godaddy.com)

RNOCHandle: NOC124-ARIN  
RNOCHandle: Network Operations Center  
RNOCHandle: +1-480-505-8809  
RNOCHandle: [noc@godaddy.com](mailto:noc@godaddy.com)

OrgAbuseHandle: ABUSE51-ARIN  
OrgAbuseName: Abuse Department  
OrgAbusePhone: +1-480-624-2505  
OrgAbuseEmail: [abuse@godaddy.com](mailto:abuse@godaddy.com)

OrgNOCHandle: NOC124-ARIN  
OrgNOCHandle: Network Operations Center  
OrgNOCHandle: +1-480-505-8809  
OrgNOCHandle: [noc@godaddy.com](mailto:noc@godaddy.com)

OrgTechHandle: NOC124-ARIN  
OrgTechName: Network Operations Center  
OrgTechPhone: +1-480-505-8809  
OrgTechEmail: [noc@godaddy.com](mailto:noc@godaddy.com)

# ARIN WHOIS database, last updated 2006-08-29 19:10  
# Enter ? for additional hints on searching ARIN's WHOIS database.

When the server was last reloaded, we had 294080 IP addresses banned. We encourage you to view these pages in a browser or widget/extension.  
You are not allowed to use automated programs to access this information, or you may be fined.

(C) Copyright 2000-2006 DNSstuff.com



# City From IP

Generated by [www.DNSstuff.com](http://www.DNSstuff.com)

## Buy Blue Coat Appliances

Complete selection of Blue Coat Proxy & Anti-Spyware Appliances  
[www.EdgeBlue.com](http://www.EdgeBlue.com)

## Proxy Server

Half the global 500 uses HP Integrity servers—See why  
[www.Itanium-Integrity.com](http://www.Itanium-Integrity.com)

IP: 68.178.150.119  
Country: United States  
City: Scottsdale, Arizona  
  
Country Code: US  
Currency: USD [United States Dollars]  
Private IP? No  
Known Proxy? No

Want to know more about geolocation? Check our our [geolocation FAQ](#), or you can buy the geolocation database we use (for city, region, and country) from [IP2Location](#).

Look up another IP:

When the server was last reloaded, we had 294080 IP addresses banned. We encourage you to view these pages in a browser or widget/extension.

You are not allowed to use automated programs to access this information, or you may be fined.

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**BobParsons.com**  
GoDaddy pulls its IPO filing!  
We have our best Qtr ever!  
Why I decided to pull it.



**GoDaddy.com Security**  
Protect yourself from  
hackers, spam, scams and  
more.

LISTEN TO  
Life Online™ with  
**BOB PARSONS**  
**TODAY!**

- Domains
- Hosting & Servers
- Email
- Site Builders
- Business
- SSL Certificates
- Domain Auctions
- Reseller Plans

**Free African American Art**  
Free Educational Series About African  
American Artists. Act Now!  
Ontheweb-offer.com

**Two Free Poker Books**  
Get Phil Gordon's Little Green Book or your  
choice of any 2 poker books  
ThePokerDeal.com

**Au Petit Bonheur**  
Galerie d'art Art gallery  
www.aupetitbonheur.com

### GORDONWORKS.COM

The data contained in GoDaddy.com, Inc.'s WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, Inc. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, Inc. is not the registrant of domain names listed in this database.

**Registrant:**  
James S. Gordon, Jr.  
9804 Buckingham Drive  
Pasco, Washington 99301  
United States

Registered through: GoDaddy.com, Inc. (<http://www.godaddy.com>)  
Domain Name: GORDONWORKS.COM  
Created on: 19-May-98  
Expires on: 18-May-07  
Last Updated on: 01-Oct-05

**Administrative Contact:**  
Gordon, Jim [jim@gordonworks.com](mailto:jim@gordonworks.com)  
1419 Jadwin Avenue  
Richland, Washington 99352  
United States  
5092101069

**Technical Contact:**  
Support, [Technical.support@webmasters.com](mailto:Technical.support@webmasters.com)  
Webmasters.com  
4465 W. Gandy Blvd., Suite 80  
Tampa, Florida 33611  
United States  
8775655555

Domain servers in listed order:  
NS1.GORDONWORKS.COM  
NS2.GORDONWORKS.COM

Registry Status: REGISTRAR-LOCK

**Search again**

Enter a domain name:

.com

- More About Domains**
- [Compare our prices](#)
  - [Why our prices are so low](#)
  - [Transfer your domain to GoDaddy.com for just \\$6.95! Includes a 1-year extension.](#)
  - [Find out what this domain is worth](#)

**Available TLDs**

<input type="checkbox"/> GORDONWORKS.NET	\$8.99/yr
<input type="checkbox"/> GORDONWORKS.ORG	\$8.99/yr
<input type="checkbox"/> GORDONWORKS.INFO	\$5.99/yr SAVE!
<input type="checkbox"/> GORDONWORKS.BIZ	\$6.99/yr SAVE!
<input type="checkbox"/> GORDONWORKS.US	\$5.99/yr SAVE!
<input type="checkbox"/> GORDONWORKS.NAME	\$9.99/yr
<input type="checkbox"/> GORDONWORKS.TV	\$34.99/yr
<input type="checkbox"/> GORDONWORKS.CC	\$19.99/yr

- You might also consider:**
- GORDONWORKSONLINE.COM \$8.95/yr
  - ONLINEGORDONWORKS.COM \$8.95/yr
  - GORDONWORKSHOME.NET \$8.99/yr
  - HOMEGORDONWORKS.NET \$8.99/yr
  - GORDONWORKSSITE.ORG \$8.99/yr
  - SITEGORDONWORKS.ORG \$8.99/yr
  - GORDONWORKSWEB.INFO \$5.99/yr  
SAVE!
  - WEBGORDONWORKS.INFO \$5.99/yr  
SAVE!
  - GORDONWORKSLIVE.BIZ \$6.99/yr  
SAVE!
  - LIVEGORDONWORKS.BIZ \$6.99/yr  
SAVE!

**REGISTER NOW!**

Registry Status: clientDeleteProhibited  
Registry Status: clientRenewProhibited  
Registry Status: clientTransferProhibited  
Registry Status: clientUpdateProhibited

[See Underlying Registry Data](#)  
[Report Invalid Whois](#)

24/7 Sales and Support: (480) 505-8877

Billing Questions? Call (480)505-8855

Free Email Updates! Enter address

[GO](#)

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REVIEW PLACE



GoDaddy.com is the world's No. 1 ICANN-accredited domain name registrar for .COM, .NET, .ORG, .INFO, .BIZ and .US domain extensions. Source: Name Intelligence, Inc. 2006

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# Exhibit B

Westlaw.

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Page 1

**C**Briefs and Other Related Documents

Only the Westlaw citation is currently available.

United States District Court, W.D. Washington.  
James S. GORDON, Jr., a married individual, d/b/a  
'Gordonworks.com'; Omni Innovations, LLC., a  
Washington limited liability company, Plaintiffs,  
v.

VIRTUMUNDO, INC., a Delaware corporation,  
d/b/a Adknowlegemail.com; Adknowledge, Inc., a  
Delaware corporation, d/b/a Aknowlegemail.com;  
Scott Lynn, an individual; and John Does, 1-X,  
Defendants.

No. CV06-0204JCC.

May 24, 2006.

Robert J. Siegel, Merkle, Siegel & Friedrichsen,  
Seattle, WA, for Plaintiffs.

Derek Alan Newman, Newman & Newman, Seattle,  
WA, for Defendants.

## ORDER

COUGHENOUR, J.

\*1 This matter has come before the Court on Defendants' Motion to Dismiss for Lack of Personal Jurisdiction under Rule 12(b)(2) (Dkt. No. 8), Plaintiffs' Opposition thereto (Dkt. No. 11), and Defendants' Reply (Dkt. No. 17). The Court has considered the briefs, declarations, and exhibits submitted by the parties and determined that oral argument is not necessary. For the reasons that follow, the Court DENIES Defendants' motion to dismiss.

## I. BACKGROUND

Plaintiffs James S. Gordon, Jr. ("Gordon") and Omni Innovations, LLC ("Omni") have brought this action for alleged violations of the Federal Can-Spam Act of 2003, 15 U.S.C. § § 7701-11, the Washington Commercial Electronic Mail Act ("CEMA"), Wash. Rev. Code 19.190.010-110, and the Washington Consumer Protection Act. Gordon is a Washington resident and registrant of the internet domain gordonworks.com ("Gordonworks"). Gordonworks is an interactive computer service and internet access service that, among other functions, provides e-mail accounts to individuals. (Am.Compl.(Dkt. No. 15) ¶ 3.4.) The internet domain server on which the

Gordonworks domain resides is owned by Omni. <sup>FN1</sup>

<sup>FN1</sup>. Unless otherwise indicated, this Order's references to "Plaintiffs" includes both Gordon and Omni.

Defendants Virtumundo, Inc. ("Virtumundo") and Adknowledge, Inc. ("Adknowledge") are non-Washington-resident businesses that provide online marketing services to third-party clients. Virtumundo is a Delaware corporation with its principal place of business in Kansas. Adknowledge is also a Delaware corporation with its principal place of business in Missouri. Virtumundo and Adknowledge are separate corporate entities and currently have no relationship with one another. <sup>FN2</sup> Virtumundo and Adknowledge market products for their clients by transmitting e-mails to interested consumers. Their services are permission-based-meaning that consumers must voluntarily provide their contact information to the companies and must also specify the subject matter of the ads that they are interested in receiving. In the past two years, Virtumundo has derived a portion of revenue from business activities conducted in Washington. Defendant Scott Lynn ("Lynn") is a Missouri citizen and serves as Chief Executive Officer of Defendant Adknowledge. He is also the sole shareholder of both companies. <sup>FN3</sup>

<sup>FN2</sup>. Defendants specifically state that "Adknowledge, Inc. and Virtumundo, Inc. are two separate corporate entities and *currently* have no relationship to each other." (Defs.' Mot., Brandt Deci. ¶ 7 (emphasis added).) Defendants do not address whether the two entities *formerly* had a relationship to one another. Plaintiffs' allegations are that some relationship did exist between the two.

<sup>FN3</sup>. Unless otherwise indicated, this Order's references to "Defendants" includes Acknowledge, Virtumundo, and Lynn.

Plaintiff Gordon alleges that between August 21, 2003, and February 15, 2006, he received approximately 6000 misleading, unsolicited e-mail ads from Defendants that were transmitted through Omni's domain server to his e-mail address "james@gordonworks.com," <sup>FN4</sup> as well as to other

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individuals using Gordonworks for domain hosting. (Pls.' Opp'n, Gordon Decl. ¶ 10; Am. Compl. ¶ 3.7.) Gordon alleges that he has sent approximately 200 direct e-mail requests to various Virtumundo e-mail addresses to cease transmission of all e-mails, but that the e-mails nevertheless persisted, even after the filing of the present action.<sup>FN5</sup> These e-mails allegedly were sent to various addresses under the Virtumundo domain name.<sup>FN6</sup>

FN4. The record is not clear as to precisely how these e-mails were procured. While Plaintiff Gordon alleges that he had no prior business relationship with either Virtumundo or Adknowledge, he also states that he was "tricked" into subscribing to various prize websites.

FN5. Defendants point out, and the Court has noted, Plaintiffs' tendency to exaggerate claims in its briefing. (*E.g.*, compare Pls.' Opp'n 3 (claiming to have sent "literally thousands" of cease-and-desist e-mails), with Pls.' Opp'n, Gordon Decl. ¶ 7 (claiming to have sent 200 cease-and-desist e-mails).) While these exaggerations and inconsistencies are not fatal to Plaintiffs' efforts to defeat the instant motion, the Court is concerned with Plaintiffs' imprecision in their representations to the Court. Plaintiffs' Counsel is instructed to ensure that future filings comply with the dictates of Federal Rule of Civil Procedure 11(b).

FN6. The addresses were abuse@virtumundo.com, legal@virtumundo.com, postmaster@virtumundo, and webmaster@virtumundo.com. Defendants deny ever having received these e-mails. Plaintiff Gordon alleges, however, that the e-mails never "bounced" back to him, suggesting that Defendant Virtumundo did receive these e-mails.

## II. ANALYSIS

### A. Applicable Legal Standards

\*2 When a district court acts on a defendant's motion to dismiss without holding an evidentiary hearing, the plaintiff must only make a prima facie showing of

jurisdictional facts to withstand the motion to dismiss. Tuazon v. R.J. Reynolds Tobacco Co., 433 F.3d 1163, 1168 (9th Cir.2005). Under this standard, the plaintiff must provide evidence that, if believed, would support jurisdiction over the defendant. Harris Rutsky & Co. Ins. Servs. v. Bell & Clements Ltd., 328 F.3d 1122, 1129 (9th Cir.2003). Unless directly controverted, a plaintiff's version of the facts is to be taken as true. Doe v. Unocal Corp., 248 F.3d 915, 922 (9th Cir.2001). Conflicts between the facts contained in the parties' affidavits, as well as all reasonable inferences, must be resolved in the plaintiff's favor. *Id.*

In order for a court to exercise jurisdiction over nonresident defendants, jurisdiction must be conferred by an applicable rule or statute. Sec. Investor Prot. Corp. v. Vigman, 764 F.2d 1309, 1313-14 (9th Cir.1985). Where, as here, there is no applicable federal statute governing personal jurisdiction, the district court applies the law of the state in which the district court sits. Fed. R. Civ. P. 4(k)(1)(A); Harris Rutsky & Co. Ins. Servs., Inc. v. Bell & Clements Ltd., 328 F.3d 1122, 1129 (9th Cir.2003). In addition, an assertion of jurisdiction must accord with constitutional principles of due process. *Id.* Federal due process requires that a nonresident defendant have minimum contacts with the forum state of such a nature that the exercise of personal jurisdiction does not offend traditional notions of fair play and substantial justice. Int'l Shoe Co. v. Washington, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945). The constitutional test may be satisfied by showing that (1) the defendant has "substantial" or "continuous and systematic" contacts with the forum state, or (2) there is a strong relationship between the defendant's forum contacts and the cause of action. Decker Coal Co. v. Commonwealth Edison Co., 805 F.2d 834, 839 (9th Cir.1986). The former is known as "general" jurisdiction and the latter as "specific" jurisdiction. See Ziegler v. Indian River County, 64 F.3d 470, 473 (9th Cir.1995).

### B. General Jurisdiction

A court may constitutionally assert general jurisdiction over a nonresident defendant only when the defendant's contacts with the forum state are so substantial and of such a nature as to justify suit in the forum state, even if the cause of action before the court arises from dealings entirely distinct from those activities. Int'l Shoe Co., 326 U.S. at 318. Plaintiffs have not opposed Defendants' general jurisdiction

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argument. Accordingly, this Court will only address the issue of specific personal jurisdiction.

### C. Specific Jurisdiction

This Court may only exercise specific jurisdiction over a nonresident defendant if jurisdiction is proper under Washington's long-arm statute and comports with federal due process principles. Washington's long-arm statute, Revised Code of Washington section 4.28.185, permits the assertion of personal jurisdiction to the extent permitted by due process, except where limited by the terms of the statute. Omeluk v. Langsten Slip & Batbyggeri A/S, 52 F.3d 267, 269 (9th Cir.1995) (citing Deutsch v. W. Coast. Mach., 80 Wash.2d 707, 497 P.2d 1311, 1314 (Wash.1972)). Accordingly, "the statutory and constitutional standards merge into a single due process test." Shute v. Carnival Cruise Lines, 897 F.2d 377, 380 (9th Cir.1990), *rev'd on other grounds*, 499 U.S. 585, 111 S.Ct. 1522, 113 L.Ed.2d 622 (1991). The Ninth Circuit has held that in order to establish specific jurisdiction, a plaintiff must demonstrate that (1) the defendant has *purposefully availed* itself of the privilege of conducting activities in the state; (2) the claim *arises out of* or results from the defendant's forum-related activities; and (3) the exercise of jurisdiction would be *reasonable*. Omeluk, 52 F.3d at 270.

#### 1. Purposeful Availment

\*3 The purposeful availment requirement ensures that Defendants will not be "haled into a jurisdiction through random, fortuitous, or attenuated contacts." Ziegler, 64 F.3d at 473 (internal quotation omitted). In cases involving the assertion of personal jurisdiction primarily on the basis of internet activity, the likelihood that personal jurisdiction can be constitutionally exercised is directly proportionate to the nature and quality of the commercial activity over the internet. Cybersell, Inc. v. Cybersell, Inc., 130 F.3d 414, 419 (9th Cir.1997). In addition, in tort cases, personal jurisdiction may attach if an out-of-forum defendant merely engages in conduct aimed at, and having effect in, the situs state. Ziegler, 64 F.3d at 473.

At the outset, the Court notes that it is the nonresident defendant's contacts with the *forum state* that are relevant for purposes of a personal jurisdiction analysis. See Yahoo! Inc. v. La Ligue Contre Le Racisme Et L'Antisemitisme, 433 F.3d 1199, 1207

(9th Cir.2006) ("In any personal jurisdiction case we must evaluate *all* of a defendant's contacts with the *forum state* ....") (emphasis added). Merely demonstrating that a nonresident defendant has limited-or no-contacts with a *particular plaintiff* does not dispose of the personal jurisdiction inquiry. Having clarified that it is Defendants' contacts with the state of Washington, and not merely contacts with Plaintiffs, that are significant, the Court finds that Plaintiffs have made a prima facie showing that Defendants' internet activity amounts to purposeful availment in Washington, as follows.

Plaintiffs have alleged that each defendant "aided, abetted, assisted, and conspired with the acts of each other defendant" (Am.Compl.¶¶ 1.6, 3.7), which has caused Plaintiffs to receive thousands of unsolicited e-mails through the Gordonworks domain. Defendants have attempted to attack the credibility of Plaintiffs' evidence, but otherwise have not directly controverted the allegations that they are sending mass unsolicited e-mails to Washington citizens. Rather, both Virtumundo and Adknowledge have directed-and continue to direct-marketing e-mails to Washington residents and are thus purposefully availing themselves of the forum state in a "knowing and repeated" manner through commercial transmissions over the internet. See Zippo Mfg. Co. v. Zippo Dot Com, Inc., 952 F.Supp. 1119, 1124 (W.D.Pa.1997) ("If the defendant enters into contracts with residents of a foreign jurisdiction that involve the knowing and repeated transmission of computer files over the Internet, personal jurisdiction is proper.").

Defendants' authority to the contrary is not on point. Defendants rely heavily on the recent Ninth Circuit opinion Cybersell, Inc. v. Cybersell, Inc., 130 F.3d 414, in arguing that e-mail, like an internet website, is of a "passive nature" and can be accessed from locations outside of Washington. While both an internet website and e-mail may transmit information in analogous manners, the nature of the alleged unlawful conduct at issue here renders the comparison to Cybersell inappropriate because Defendants are alleged to have sent *thousands* of unsolicited e-mails to Plaintiff Gordon and other Washington residents. In contrast, Cybersell did not involve e-mail spammers. Defendants also cite a number of cases holding that contacts through e-mail, telephone, and fax are insufficient in and of themselves to constitute sufficient minimum contacts for the assertion of personal jurisdiction. (Defs.' Mot. 7, 10-12.) Several of these cases involve mere *correspondence* by e-mail, rather than e-mail of a

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commercial nature, as alleged here. Such cases are thus inapposite to Defendants' arguments. Furthermore, even in those cases involving the transmission of commercial e-mails, the issue before the court was whether a *single* commercial e-mail, rather than thousands of commercial e-mails, constituted a sufficient contact for the assertion of personal jurisdiction.

\*4 Not only have Defendants reached into Washington by sending mass e-mails, both Virtumundo and Adknowledge acknowledge that they have generated revenue from business activity conducted in Washington.<sup>FN7</sup> Such revenue-generation from Washington further supports the conclusion that Defendants are " 'purposefully deriv[ing] benefit' from their interstate activities." Burger King v. Rudzewicz, 471 U.S. 462, 473, 105 S.Ct. 2174, 85 L.Ed.2d 528 (1985) (quoting Kulko v. California Superior Court, 436 U.S. 84, 96, 98 S.Ct. 1690, 56 L.Ed.2d 132 (1978)); see also Easter v. Am. W. Fin., 381 F.3d 948, 961 n. 7 (9th Cir.2004) (noting the significance of deriving income from the forum state in the purposeful availment analysis).

<sup>FN7</sup>. Virtumundo has admitted that in 2004, 0.04% of its revenue was generated from Washington, and that in 2005, it derived 0.16% of its revenue from Washington. (Defs.' Mot., Brandt Decl. ¶ 22.) Adknowledge does not provide specific figures and only states that it "does not generate any substantial percentage of its revenues from consumers" in Washington. (*Id.*, Geroe Decl. ¶ 11.) While Adknowledge may not, in its opinion, derive "substantial" revenue from Washington consumers, its statement necessarily implies that it does derive some amount of revenue from e-mail activity directed at Washington.

Defendants' attempts to distance themselves from Washington are insufficient to defeat Plaintiffs' prima facie showing of jurisdiction. Adknowledge, for example, argues that it goes to lengths to remove consumers who self-report a Washington address from its e-mail lists in the hopes of minimizing contacts with Washington. (Defs.' Mot., Geroe Decl. ¶¶ 12-16.) These efforts reportedly began in 2004. However, Gordon has alleged that he already had begun receiving unsolicited e-mails as early as August 2003. Adknowledge's efforts to remove Washington e-mail addresses in 2004 has no bearing on its alleged contacts prior to that date, and

Adknowledge offers no evidence suggesting that it was not knowingly sending e-mails to Washington residents before these changes were implemented. Further, while the evidence and briefing with respect to Adknowledge's actual business activity is not as developed as that regarding Virtumundo,<sup>FN8</sup> Plaintiffs have specifically alleged Adknowledge's participation in the allegedly unlawful conduct. (See Am. Compl. ¶ 3.7.) Significantly, Defendants have not directly controverted these allegations, and, in fact, have acknowledged that both Virtumundo and Adknowledge have generated revenue from Washington. The Court is satisfied that Plaintiffs have sufficiently demonstrated that Adknowledge and Virtumundo purposefully availed themselves of the Washington forum.

<sup>FN8</sup>. As the Court noted *supra* note 2, Defendants have only alleged that Virtumundo and Adknowledge are separate corporate entities that *currently* have no relationship to each other, but Defendants have remained silent as to whether a business relationship existed in the past. In light of Plaintiffs' allegations that Defendants took concerted steps to send unsolicited e-mail to Plaintiff Gordon and other Washington residents in as early as August 2003, the fact that Virtumundo and Adknowledge have no current business relationship merely begs the question as to the existence of a prior relationship, particularly during any portion of the time period at issue in this lawsuit.

Defendants' arguments that Plaintiffs have failed to provide specific evidence with respect to Defendant Lynn are also unpersuasive. "There is no bar to exercising personal jurisdiction over officers and employees of a non-resident corporation if they ha[ve] the requisite minimum contacts." Calder v. Jones, 465 U.S. 783, 790, 104 S.Ct. 1482, 79 L.Ed.2d 804 (1984). Plaintiffs have alleged that Defendant Lynn is the Chief Executive Officer ("CEO") of Adknowledge and the sole shareholder of *both* entities. (Am.Compl.¶ 1.4.) Lynn is also alleged to have had knowledge of, directed, and authorized Virtumundo's and Adknowledge's allegedly illegal actions. (*Id.*) A corporate officer can be personally liable for torts which he authorizes or directs or in which he participates. Coastal Abstract Serv. Inc., v. First Am. Title Ins. Co., 173 F.3d 725, 734 (9th Cir.1999); accord Johnson v. Harrigan-Peach Land Dev. Co., 79 Wash.2d 745, 489 P.2d 923



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(Wash.1971). Defendants have provided no evidence to the contrary, except to suggest that Defendant Lynn is the CEO only of Adknowledge. While Defendants are correct in arguing that each defendant's contacts with the forum state must be assessed individually, Calder, 465 U.S. at 790. Defendants have not provided any evidence from which the Court can conclude that Defendant Lynn has insufficient contacts with the forum state to support the assertion of jurisdiction over him as an individual in the present case, other than to make a conclusory argument that Plaintiffs have failed to make a prima facie showing of personal jurisdiction. Defendants have failed to directly controvert Plaintiffs' allegations supporting jurisdiction over Defendant Lynn. The foregoing applies to the John Doe Defendants as well.

\*5 Finally, Defendants attempt to argue that they did not purposefully avail themselves of the privilege of doing business in Washington because neither Gordon's e-mail address, nor the e-mail addresses of other Washington residents receiving Defendants' marketing e-mails, include any information designating the location of the recipient. As a result, Defendants argue, such e-mail could not have been targeted at a particular geographic location. Several courts have considered and rejected similar arguments in the context of lawsuits involving bulk unsolicited e-mail. See, e.g., Verizon Online Servs., Inc. v. Ralsky, 203 F.Supp.2d 601 (E.D.Va.2002); State v. Heckel, 122 Wash.App. 60, 93 P.3d 189 (Wash.Cl.App.2004). For example, in Heckel, the Washington State Attorney General brought suit against an individual for alleged violations of Washington's CEMA. After the trial court imposed a permanent injunction and a civil penalty on the defendant, he appealed the trial court's decision arguing, *inter alia*, that the State failed to prove that he knew that specific e-mail addresses were registered to Washington residents. The Heckel court rejected this argument, noting that the defendant's argument, if taken to its logical conclusion, would produce the impracticable result of shielding offenders from liability simply where they "had no specific knowledge about particular recipients." Heckel, 93 P.3d at 192-93.

Similarly, in Ralsky, Verizon Online Services brought suit against a group of defendants in Virginia for an alleged conspiracy to transmit millions of unsolicited bulk e-mail messages to Verizon's member database through Verizon's proprietary online network. In support of their argument that a court in Virginia could not constitutionally assert

personal jurisdiction, the defendants claimed that they did not know that their unsolicited bulk e-mail messages would harm servers located in Virginia, and therefore that they could not have purposefully availed themselves of the forum. The Ralsky court squarely rejected this argument, noting that such an argument "would allow spammers to send UBE with impunity, avoiding personal jurisdiction simply by alleging that they did not know the exact location of an ISP's e-mail servers." Ralsky, 203 F.Supp.2d at 620. In particular, the Ralsky court was unwilling to permit tortfeasors to "escape personal jurisdiction for deliberate acts by simply pleading ignorance of where the harm of [the] action would lie." *Id.* at 620 n. 13. To do so, the court reasoned, would be "fundamentally unfair." *Id.* at 622.

Like the defendants in Heckel and Ralsky, Defendants' attempts in the present case to sidestep jurisdiction by pleading ignorance are unpersuasive. Although Virtumundo's and Adknowledge's e-mail lists might not plainly indicate to which states the e-mails are being sent, both Virtumundo and Adknowledge admit that they are aware of certain portions of their revenue coming from Washington. Further, Adknowledge's attempts to *reduce* the number of e-mails sent to Washington starting in 2004 clearly shows known e-mail contact with Washington both before and after those measures were implemented. Additionally, Defendants have, at all times, had access to the Washington Association of Internet Service Providers registry of e-mail addresses, which Washington courts have recognized as a valid means for ascertaining whether a particular e-mail address is owned by a Washington resident. See Heckel, 93 P.3d at 69-70.

\*6 For the foregoing reasons, the Court finds that Defendants have "purposefully availed" themselves of this Washington forum.

## 2. "Arises Out Of"

The Court must next determine whether the claims made against Defendants arise out of their Washington-related activities. In making this determination, the Court considers whether Plaintiffs' claims would have arisen "but for" Defendants' contacts with Washington. Harris Rutsky, 328 F.3d at 1131-32. As noted *supra*, Defendants have not directly controverted Plaintiffs' allegations that Plaintiff Gordon received from Defendants thousands of unsolicited e-mails sent to him in Washington. But for Defendants' conduct, Plaintiffs' alleged injury

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would not have occurred. The Court finds that Plaintiffs' claims arise out of Defendants' Washington-related activities.

### 3. Reasonableness

"Once it has been established that a defendant purposefully established minimum contacts with a forum ... he must present a compelling case that the presence of some other considerations would render jurisdiction unreasonable' in order to defeat personal jurisdiction." Dole Food Co., Inc. v. Watts, 303 F.3d 1104, 1114 (9th Cir.2002). Assessing the reasonableness of asserting jurisdiction prevents the use of jurisdictional rules "in such a way as to make litigation 'so gravely difficult and inconvenient' that a party unfairly is at a 'severe disadvantage in comparison to his opponent.'" Core-Vent Corp. v. Nobel Indus. AB, 11 F.3d 1482, 1487 (9th Cir.1993) (citing Burger King, 471 U.S. at 478). The Court examines seven factors to determine whether the exercise of jurisdiction is reasonable:

(1) the extent of the defendants' purposeful interjection into the forum state's affairs; (2) the burden on the defendant of defending in the forum; (3) the extent of conflict with the sovereignty of the defendants' state; (4) the forum state's interest in adjudicating the dispute; (5) the most efficient judicial resolution of the controversy; (6) the importance of the forum to the plaintiff's interest in convenient and effective relief; and (7) the existence of an alternative forum.

*Id.* at 1487-88. No factor is dispositive in itself; the Court must balance all seven. Roth v. Garcia Marquez, 942 F.2d 617, 623 (9th Cir.1991).

Defendants argue that the exercise of jurisdiction would be unreasonable on three grounds. First, Defendants argue that jurisdiction would not be reasonable in the present case because they have not purposefully interjected themselves into Washington state affairs. However, Plaintiffs allege, and Defendants do not directly controvert, that Defendants have transmitted thousands of unsolicited e-mails to Plaintiff Gordon and other Washington residents. Furthermore, Defendants have knowingly engaged in acts aimed at Washington residents because they have admitted that they derive revenue from their business activity in Washington. Defendants have purposefully interjected themselves into Washington.

\*7 Second, Defendants argue that the burden of

proceeding with this litigation in Washington is substantial. The Court disagrees. It is unsurprising that a nonresident defendant would prefer to litigate an action in the state in which its principal place of business is located. However, such a preference-coupled with the assertion of a lesser burden on Plaintiffs to litigate here (*see* Defs.' Mot. 14)-is insufficient to establish the existence of a substantial burden on Defendants if they must litigate in Washington. The fact that Defendants apparently will want to call witnesses for this action who currently reside in California, New York, and Texas (*see id.*) also fails to demonstrate a substantial burden of litigating in *Washington*, as this inconvenience would necessarily apply in any state in which this action ultimately proceeds. Finally, "with the advances in transportation and telecommunications and the increasing interstate practice of law, any burden is substantially less than in days past." CE Distrib., LLC v. New Sensor Corp., 380 F.3d 1107, 1112 (9th Cir.2004). Notwithstanding the fact that most or all of Defendants' witnesses may reside out of state, Defendants have provided evidence of no other circumstances that would indicate that litigating an action in Washington will present a substantial burden or a deprivation of due process. *See Yahoo! Inc.*, 379 F.3d at 1136 ("[W]hile the defendant's burden in litigating in the forum is considered, it will not be deemed unreasonable unless it constitutes a deprivation of due process.") (citing Core-Vent Corp., 11 F.3d at 1488).

Third, and finally, Defendants argue that the efficiency of the forum also weighs against a finding of reasonableness. Defendants largely re-present the same argument they have made regarding the substantial burden of litigating in Washington. However, as with Defendants' substantial burden argument, because Defendants still must secure their California, New York, and Texas witnesses to attend a trial in the alternative forums of either Kansas or Missouri, the added efficiency of litigating this action outside of Washington would be marginal, if not nonexistent.

Defendants do not address any of the remaining reasonableness factors. Even considering these factors, the majority weigh in favor of asserting personal jurisdiction. Litigating this action in Washington is, without question, highly convenient for Plaintiffs, because this is where they chose to initiate the lawsuit. Furthermore, nothing in the record indicates that litigation of this matter in Washington would create sovereignty conflicts with either Missouri or Kansas. Moreover, Washington

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has a substantial interest in adjudicating a dispute involving the sending of thousands of unsolicited e-mails to one (or many) of its residents in violation of Washington law. Accordingly, because a majority of the reasonableness factors favor the assertion of personal jurisdiction, the Court finds that Defendants have failed to present a compelling case that the exercise of personal jurisdiction would be unreasonable in the present case.

\*8 Finally, it is apparent from the briefs that there exist a number of factual disputes in the present case that may prove dispositive later in the litigation. For example, the precise manner in which Plaintiff Gordon initially "opted-in" with Virtumundo or Adknowledge is disputed.<sup>FN9</sup> In addition, the parties dispute whether Gordon's attempt to put Defendants on notice that he did not wish to receive unsolicited e-mail was sufficient under the statutory language of the Federal Can-Spam Act. Although resolution of these factual disputes undoubtedly will have a significant impact on which parties ultimately succeed on the merits, the fact that such disputes exist has no bearing on the jurisdictional issue presently before the Court: whether Defendants have established sufficient contacts with Washington. Accordingly, for purposes of this Rule 12(b)(2) motion, the Court does not need to resolve these factual arguments.

<sup>FN9</sup> Gordon claims that he had no prior relationship with Defendants at the time he received the initial unsolicited e-mail (Pls.' Opp'n, Gordon Decl. ¶ 4), whereas Defendants claim that Plaintiff Gordon has misrepresented the fact that he did not opt-in with Virtumundo or Adknowledge.

### III. CONCLUSION

For the reasons set forth in this Order, Defendants' motion to dismiss for lack of personal jurisdiction is DENIED.

SO ORDERED.

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0 pages	0 pages	0 pages	3 pages	5 pages	14 pages	14 pages	27 pages	34 pages	13 pages	0 pages	
			<u>May 08, 1999</u> *	<u>Aug 15, 2000</u> *	<u>Jan 12, 2001</u>	<u>Feb 06, 2002</u>	<u>Jan 25, 2003</u>	<u>Jan 09, 2004</u>	<u>Feb 01, 2005</u> *		
			<u>Oct 08, 1999</u> *	<u>Sep 01, 2000</u>	<u>Feb 02, 2001</u>	<u>May 28, 2002</u> *	<u>Feb 03, 2003</u>	<u>Jan 14, 2004</u>	<u>Feb 04, 2005</u> *		
			<u>Nov 04, 1999</u> *	<u>Nov 09, 2000</u> *	<u>Feb 03, 2001</u>	<u>Jun 02, 2002</u>	<u>Feb 05, 2003</u>	<u>Jan 26, 2004</u>	<u>Feb 07, 2005</u>		
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				<u>Dec 05, 2000</u> *	<u>Mar 01, 2001</u> *	<u>Jul 26, 2002</u>	<u>Feb 16, 2003</u>	<u>Mar 22, 2004</u> *	<u>Feb 11, 2005</u>		
					<u>Mar 02, 2001</u>	<u>Aug 02, 2002</u>	<u>Mar 22, 2003</u>	<u>Mar 27, 2004</u> *	<u>Feb 12, 2005</u>		
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					<u>Dec 20, 2001</u>	<u>Nov 27, 2002</u>	<u>Jun 13, 2003</u>	<u>Jun 11, 2004</u> *			
							<u>Jun 24, 2003</u>	<u>Jun 15, 2004</u>			
							<u>Jun 28, 2003</u>	<u>Jun 16, 2004</u>			
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							<u>Sep 19, 2003</u>	<u>Jul 01, 2004</u>			
							<u>Oct 07, 2003</u>	<u>Jul 03, 2004</u>			
							<u>Oct 24, 2003</u>	<u>Jul 07, 2004</u>			
							<u>Oct 29, 2003</u>	<u>Jul 11, 2004</u>			
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							<u>Nov 27, 2003</u>	<u>Aug 15, 2004</u>			
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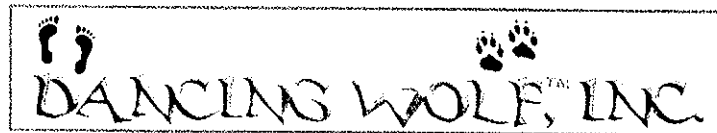
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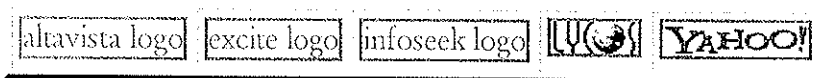


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Please bookmark this page, visit us often and tell your friends and family about us.

Best wishes for your employment and career endeavors!

Regards,

Jim Gordon

P.S. Please check out our sister site Small Office Home Office-Business Links.

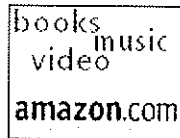
# Stop **Business-Watchdogs** Stop

Assn. of Certified Fraud Examiners	Better Business Bureau	FTC ConsumerLine	Internet Scambusters
National Consumer Complaint Center	National Fraud Information Center 1(800) 876-7060	Netcheck Commerce Bureau	Netrageous The Public Eye

THE GORDON GROUP claims no affiliation with nor endorsement by any of these agencies or companies.

## Tools *TOOLS OF THE TRADE* Tools

This area will feature ready-to-use tools for business, entrepreneurs and job-seekers. Click on the hammer for *TOOLS*. [Hammer](#)



## The Links, A-M, N-Z!!!

To Report Dead Links

-A-

BCDEFGHIJKLMNOPQRSTUVWXYZ

1. 1-jobs.com
2. 100 Hot Jobs Web Sites
3. 2001 Colleges, Universities and Scholarships

101 Top College, University and Scholarship Page

4. A & A Resume-Professional Services
5. A Virtual Job Fair...Use Table of Contents Link
6. A Work Day - Canadian Employment Resources
7. A Write Impression - Resume Service
8. AboutWork Welcome Page
9. Academic Employment Network-Job Listings
10. ActiJob - Canada

ActivEmploi

11. ADGUIDE'S Employment Web Site

College Recruiter Employment Web Site

High School Recruiter Employment Web Site

12. Adsearch- Help Wanted Ads
13. Agency Central

14. AJB Job Search Index
15. All Canadian Jobs
16. All Jobs in the UK
17. Alumni Network
18. America's Employers-The Job-Seekers' Home
19. American Preferred Jobs
20. AmericanJobs.com
21. Apollo Consulting - Sophisticated Career Development...
22. ASAE- Employment List Over 160 Links
23. Asia-Net, Inc---Chinese, Japanese & Korean Bi-linguals...Jobs
24. Ask The Career Wiz
25. Ask The Employer
26. AT & T College Network: Jobs Station
27. Australian Correspondence Schools

-B-

A C D E F G H I J K L M N O P Q R S T U V W X Y Z

28. B2BHRM.com

29. Bakos Group-Career Management Professionals

30. Bay Area Job Board.com

31. Bay Area Jobs

32. Best Jobs USA

33. BigWigs.net

34. Bilingual-Jobs.com

E-cv.com

35. Blue Sun Technical Recruiting

36. Boldface Jobs

37. Bookhaven Press---Career & Business Books\Software

38. Brassring.com

39. Bullseye Job Shop

Computerworld's Center for Professional Development

The Sunday Paper- Online Classifieds

-C-

A B D E F G H I J K L M N O P Q R S T U V W X Y Z

40. Calgary Youth Employment Centre

41. California Career & Employment Center
42. Canadian Executive Recruitment
43. Career Action Center
44. Career and Resume Management for the 21st Century
45. Career Chase
46. Career Choices-Exploring Occupations
47. Career City
48. Career Consulting Corner
49. Career Development Manual

Career Services

Co-operative Education & Career Services

50. Career Expos- High Tech
51. Career Fair Finder

Best Jobs- Careers 96

Career Fairs & Events

Career Fair Calendar-JOBTRAK

Career Fairs Clearinghouse- JOBWEB

## Lendman Group- Career Fairs

52. Career Internetworking
53. Career Magazine
54. Career Mosaic
55. Career NFOsource
56. Career Paradise- Colossal Lists of Career Links
57. Career Paths Online
58. Career Planning Process
59. Career Resource Center
60. Career Resource Home Page
61. Career Shop---Applicants
62. Career Site

## Candidate Lobby & Sign-in

## Employer Lobby & Sign-in

63. The Career Star System
64. Career Success Map
65. Career Talk

66. career.com
67. CareerAmerica Job Bank
68. CareerBank.com
69. CAREERBUILDER
70. CareerConnect
71. CareerConnect- Virginia Employment Commission
72. CareerLab
73. CareerMart
74. CareerNET: Career Resources-Associations
75. Career NET
76. CareerPath.com- Classifieds from 19 Major Cities
77. CareerVoyager
78. Careers and Jobs
79. Careers in Government
80. CareersColorado.com
81. Careers Online-Start Here to Explore Your Future
82. CareerWeb-Jobs, Employment and Careers



83. Casino Careers Online

84. Chinapoint-China, Asia and Europe Jobs

85. **College**

College Board Online

College Channel

CollegeNET Home Page

Collegescape Home Page

Internet College Exchange

The Main Quad

86. College Grad Job Hunter

87. College Recruiter Magazine

88. CollegeRecruiter.com

89. Colorado Guide-listings of environmental and outdoor jobs throughout the  
country and world

90. Colorado Online Job Connection, The

91. Compensation Survey, The SHRM/Mercer

92. Competitive Position Market Analysis for Computer Careers

93. computerwork.com

94. Contract Employment Weekly

95. Cool Works<sup>sm</sup>

Jobs by State

96. Corporate Gray On-line...Career Transition for Military Personnel

97. Creative Job Search-Ask the Experts

-D-

A B C E F G H I J K L M N O P Q R S T U V W X Y Z

98. DARE Personnel-Australia

99. Definitive Guide to Internet Career Resources---A to Z Links

100. Destinations.ca

101. Developers.Net---Computer Programming & Software Engineering

102. Disability Resources

Americans With Disabilities Act Document Center

» Job Accommodations Network-JAN

» Pre-Employment Screening Considerations and the ADA

Assistive Technology for the Disabled Computer User

Computers for Handicapped Independence Program

## Special Education Resources on the Internet

### World Information on Disability

103. Do A Project - Referral Service for Contract Employment

-E-

A B C D F G H I J K L M N O P Q R S T U V W X Y Z

104. EAGLEVIEW-Where The Best Jobs Find You

105. Educational Vacancies---U.K.

106. EH&S Employment Services---Environmental Health & Safety

107. Electronic Recruiting News

108. Employers Online

109. Employment Opportunities and Resume Postings

110. Employment Resources

111. Engineer500.com

112. Engineer-Cad.com

113. Engineering Job Source

114. Engineering Jobs

115. EngineerWeb

116. Environmental Jobs and Careers

117. Equal Opportunity Publications

118. Executive Recruiters Galleria

119. Experience Inc.

120. Extreme Resume Drop

-F-

A B C D E G H I J K L M N O P Q R S T U V W X Y Z

121. Federal Information Exchange

122. Federal Job Search

123. Federal Jobs Digest

124. Federal Jobs Net

125. FinAid: The Financial Aid Information Page

126. Fincareer.com-The Forum for Professionals in Global Finance

127. Find Your Future @4work.com

128. Findjobs.com

129. Florida Jobs

130. Food and Drink Jobs.com

131. Free Scholarship & Financial Aid

2001 Colleges, Colleges, College Scholarships, and Financial Aid Page

132. Free Employment Guide

133. Free Telecommuting Jobs

-G-

A B C D E F H I J K L M N O P Q R S T U V W X Y Z

134. Gary Richards Co. HVAC Technical Employment

135. General Job Posting on the Internet

136. GetJobs.com

137. GO4JOB

138. Goal-Setting Tools & Tips

139. **Graduate & Professional Schools**

AAMC Academic Medicine Web Site

Career & Graduate Study in Psychology

Graduate Schools Ranking

GRE On-Line

Peterson Education Center

Pre-Law

Yahoo! - Education:Universities

140. GraduateResumes.com

141. Gradunet- On Line Careers Guide

142. GreatTeacher.net

-H-

A B C D E F G I J K L M N O P Q R S T U V W X Y Z

143. Hard@Work

144. Harvest Personnel-Staffing Services for the 21st Century

145. HeadHunter.NET

146. Health Care Careers & Jobs

147. HealthCareWeb

148. HEART-Career Connection

149. Help Guide to Assist in Job Search

150. Help-Wanted.Net

151. Helpwanted. com---Recruitment On-line, Inc.

Resume- Talent Pool

152. HireAbility

153. HiTechCareer Centre

Career Fair Show Guide

Employer Database

154. Hot Nurse Jobs

-I-

A B C D E F G H J K L M N O P Q R S T U V W X Y Z

155. IEEE Employment Marketplace-Richland, WA

156. iJive.com...Canada Career Site... Find local employers, employment agencies, job banks & career resources that serve Canadians.

157. IndustryLink Homepage

158. InfoTech, Inc.

159. Insurance National Search

160. International Job Centers

161. Internet Career Connection

162. Internet Job Search Aids

-J-

A B C D E F G H I K L M N O P Q R S T U V W X Y Z

163. Job Clincher Resume Services

164. Job Link USA

165. Job Resources by Region

Northeast

Midwest

Southeast

Western

166. Job Options

Salary Calculator Form

167. Job Search for Engineers

168. Job Search Series Brochures

Career Services

169. Job Show

170. Jobs Via Mail

171. JOBACCESS

How to Handle Challenging Interview Questions



172. JobBank USA **JobBank USA - specializes in providing career information including job and resume database services to job candidates, employers and recruitment firms in the U.S. and worldwide.**

173. JobBoard Surf Shop

174. JobCenter Employment Services (800) 562-2368

175. JobDirect

176. jobEngine---Matchmakers for Computer Industry Professionals

177. JobHunt- All Job Resources

178. JobLynx- 10,000 FREE Links to Jobs

179. JobNext.com

180. JobProfiles.com---The Personal Side of Work...

181. JobQuest Home Page

182. jobs.co.uk - Gateway to all the top job boards in the UK

183. JobSite.com

184. Jobsquare.com

185. Jobs for Engineers

186. Jobs for Programmers-The Web's Top Employment Site for Programmers

187. Jobs for Scientists

188. Jobs in Higher Education

189. Jobs MetaSearch@JobBank USA

190. JobSafari

191. JobServe: The Largest Source of IT Vacancies in the UK

192. Jobsite UK Recruitment Forum

193. JobSmart---General Salary Surveys

JobSmart---Profession-Specific Salary Surveys

Salary Negotiation Strategies

194. JobSource

195. JOBTRAK

196. JobWeb Home Page

197. JobWebs.com

198. Johnson O'Connor Research Foundation-Aptitude Testing

199. Engineering Jobs

-K-

A B C D E F G H I J L M N O P Q R S T U V W X Y Z

200. K's Resume Service at Preferred Jobs

- 201. Kelly Services Home Page
- 202. Knowledge Workers' Network
- 203. KuDeTa- Japan Jobs & Resumes

-L-

A B C D E F G H I J K M N O P Q R S T U V W X Y Z

- 204. Law Employment Center
- 205. lawenforcementjob.com
- 206. LAWMATCH
- 207. Le Web Cafe-Careers
- 208. Legalhire.com
- 209. LibrarySpot
- 210. Life Career Retreat- Insurance & Financial Services Careers
- 211. Lucas Careers.com - Executive Recruiters

-M-

A B C D E F G H I J K L N O P Q R S T U V W X Y Z

- 212. Mad Kane - Workplace Humor
- 213. Medical JobOptions.com

214. MedSearch - Healthcare Careers

215. MFGJOBS - Career Information

216. Minnesota Job Bank

217. Minorities' Job Bank

Black Collegian

InterCareer Net- Japan

Resources for Students of Color

Saludos Web

218. MiracleWorkers.com

219. MizBiz.com

220. Mojolin - International Unix & Linux Job Site

221. Mojosco - Network Engineer Job Site

222. My Job Cafe

223. Myboss.com - Job Humor

224. Myjob.com

225. Myjobsearch.com

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## Other Links

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