

EXHIBIT I

1 transmitted to the recipient on July 16, 2004. That e-mail message was sent after the
2 individual had elected to receive e-mails from Cyberheat, and such election by the
3 individual was dated on or after January 1, 2004;

4 36. Reviewing Cyberheat records for the individual identified by the Plaintiff
5 as “adsas@hotmail.com,” your declarant discovered that on August 27, 2003, the
6 individual using the e-mail address “adsas@hotmail.com” clicked the “Submit” button on
7 a “join page,” thereby sending a subscription request for membership to a Cyberheat Web
8 site. When the individual clicked the “Submit” button, the “checkbox” was checked and
9 he thereby notified Cyberheat that he desired to receive Cyberheat’s e-mail
10 communications. Cyberheat’s records do not indicate that the individual at any time
11 availed himself of the link in the messages sent to him that would allow him to remove
12 his e-mail address from Cyberheat’s e-mail list, nor did he write to Cyberheat at the
13 physical address contained in the messages requesting to have his e-mail address
14 removed from Cyberheat’s mail list;

15 37. Exhibit “K” hereto comprises all electronic mail messages produced by the
16 Plaintiff that were sent to the recipient “adsas@hotmail.com” by Defendant Cyberheat.
17 The messages were produced by the Plaintiff as files “0066235030” (Exhibit K-01) and
18 “0066782723” (Exhibit K-02). The e-mail messages were transmitted to the recipient on
19 July 23, 2004 and July 30, 2004, respectively. The e-mail messages were sent after the
20 individual had elected to receive e-mails from Cyberheat;

21 38. Reviewing Cyberheat records for the individual identified by the Plaintiff
22 as “al1996@hotmail.com,” your declarant discovered that on March 16, 2004, the
23 individual using the e-mail address “al1996@hotmail.com” first subscribed to a
24 Cyberheat Web site. At that time, he elected to receive Cyberheat newsletters and other
25 mailings through use of the appropriate checkbox on the “join page.” The individual
26 subsequently has subscribed to other Cyberheat Web sites no fewer than four times.

1 Cyberheat’s records do not indicate that the subscriber at any time availed himself of the
 2 link in the messages sent to him that would allow him to remove his e-mail address from
 3 Cyberheat’s e-mail list, nor did he write to Cyberheat at the physical address contained in
 4 the messages requesting to have his e-mail address removed from Cyberheat’s mail list;

5 **39. Exhibit “L” hereto comprises all electronic mail messages produced by the**
 6 **Plaintiff that were sent to the recipient “al1996@hotmail.com” by Defendant Cyberheat.**

7 The names of the files as produced by the Plaintiff, the dates of the original transmissions
 8 of the e-mail messages, and the exhibit numbers are:

9	<u>File Name</u>	<u>Date Transmitted</u>	<u>Exhibit No.</u>
10	0052294030	03/16/04	L-01
11	0054919488	04/10/04	L-02
12	0057049796	04/23/04	L-03
13	0057439189	04/27/04	L-04
14	0058147888	04/30/04	L-05
15	0058515102	05/11/04	L-06
16	0059748676	06/09/04	L-07
17	0060720830	06/16/04	L-08
18	0061590458	06/21/06	L-09
19	0062596738	07/01/04	L-10
20	0063347032	07/07/04	L-11
21	0063744921	07/09/04	L-12
22	0064427713	07/13/04	L-13
23	0064574121	07/16/04	L-14
24	0064824632	07/19/04	L-15
25	0065041590	07/17/04	L-16
26	0065271918	07/19/04	L-17

1 0065699369 07/21/04 L-18

2 0065824735 07/22/04 L-19

3 0065882019 07/22/04 L-20

4 Each of the e-mail messages was sent after the subscriber had elected to receive
5 e-mails from Cyberheat through use of the appropriate "checkbox," and such elections by
6 the subscriber were all dated on or after January 1, 2004;

7 40. Reviewing Cyberheat records for the individual identified by the Plaintiff
8 as "cartoon69@redcard.com," your declarant discovered that on January 3, 2004, the
9 individual using the e-mail address "cartoon69@redcard.com" subscribed to a Cyberheat
10 Web site. The individual twice subsequently has subscribed to other Cyberheat Web
11 sites. Cyberheat's records do not indicate that the subscriber at any time availed himself
12 of the link in the messages sent to him that would allow him to remove his e-mail address
13 from Cyberheat's e-mail list, nor did he write to Cyberheat at the physical address
14 contained in the messages requesting to have his e-mail address removed from
15 Cyberheat's mail list;

16 41. Exhibit "M" hereto comprises all electronic mail messages produced by the
17 Plaintiff that were sent to the recipient "cartoon69@redcard.com" by Defendant
18 Cyberheat. The names of the files as produced by the Plaintiff, the dates of the original
19 transmissions of the e-mail messages, and the exhibit numbers are:

<u>File Name</u>	<u>Date Transmitted</u>	<u>Exhibit No.</u>
CY000067-072	11/11/04	M-01
CY000127-129	10/30/04	M-02
CY000130-134	10/30/04	M-03

24 Each of the e-mail messages was sent after the subscriber had elected to receive
25 e-mails from Cyberheat through use of the appropriate "checkbox";

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