

EXHIBIT D

TO: Email Marketer
FROM: Jim Gordon
DATE: May 31, 2004
SUBJECT: Demand for Cessation of Emails

I am a Washington State resident. By virtue of my residency in Washington State, the commercial electronic mail messages that I received from your company violate Washington State statute and the new federal CAN-SPAM statute. Neither statute contemplates whether an email is solicited or not only whether or not it violates the relevant statute.

Please STOP sending emails to my domain, i.e. gordonworks.com. If applicable, please instruct your agents and/or marketing partners to stop sending emails on your behalf to my domain, immediately.

Under Washington law, I am entitled to a private right of action in a Washington State court (or the U.S. District Court in Richland, WA) to pursue 1) statutory damages of \$500 per email under RCW 19.190 2) additional statutory damages of \$1,000 per email as an Internet Access Service 3) Consumer Protection Act civil penalties of up to \$2,000 per email under RCW 19.86.140. Your total liability amounts to \$3,500 per email to send email to gordonworks.com Lastly, Internet Access Services can also sue under CAN-SPAM for damages - you may face criminal charges in addition to civil penalties.

All of the commercial electronic mail messages that you have sent to me violate at least one prohibition of RCW 19.190.020 (1)(a) or (b) because each of the commercial electronic mail messages:

- misrepresents or obscures information identifying the point of origin of the commercial electronic mail message, and/or
- misrepresents or obscures information identifying the transmission path of the commercial electronic mail message, and/or
- contains false or misleading information in the subject line of the commercial electronic mail message.

I am prepared to initiate a lawsuit, if the emails from your company do not stop, immediately. Please instruct anyone that markets products and/or services on your behalf to purge email addresses from my domain.

NOTICE OF OFFER TO RECEIVE UNSOLICITED COMMERCIAL EMAIL (SPAM)

YOUR ACTIONS MAY CONSTITUTE A BINDING CONTRACT.
PLEASE READ THE FOLLOWING CAREFULLY.

BY SENDING UNSOLICITED SPAM TO ME AT THE FOLLOWING DOMAIN,
GORDONWORKS.COM, YOU ACCEPT MY OFFER TO YOU CONCERNING RECEIPT
OF UNSOLICITED MATERIAL FROM YOU UNDER THE FOLLOWING TERMS:

1- THAT IN VALUABLE CONSIDERATION, SUFFICIENCY AND ADEQUACY OF
WHICH YOU HEREBY ACKNOWLEDGE, OF ME RECEIVING ANY UNSOLICITED
MATERIAL FROM YOU;

2- UNLESS, YOU HAVE OBTAINED PRIOR AUTHORIZATION FROM ME TO SEND
YOUR MATERIAL TO ME; YOU AGREE TO CONFER THE SUM OF US\$500 PAYABLE
IN CERTIFIED CHECK TO ME EFFECTIVE AND COLLECTIBLE UPON YOUR SENDING
OF ANY UNSOLICITED MATERIAL TO THE DOMAIN, GORDONWORKS.COM;

3- YOU AGREE TO CEASE AND DECEASE ANY FURTHER ATTEMPTS TO SEND ANY
ADVERTISING MATERIAL WHATSOEVER TO THE DOMAIN, GORDONWORKS.COM;

4- THIS AGREEMENT MAY BE MODIFIED AND/OR CHANGED BY ME AT ANY TIME
WITHOUT NOTICE;

5- YOU AGREE THAT THE AMOUNT OF FUNDS (IN US Dollars) I CHARGE FOR EACH
ADDITIONAL UNSOLICITED PIECE OF ADVERTISING SHALL BE CALCULATED AS
FOLLOWS: (NUMBER OF OFFENSE) MULTIPLIED BY (\$500). FOR EXAMPLE: ON
YOUR THIRD UNSOLICITED MAILING TO ME, YOU AGREE TO PAY ME THE
AMOUNT OF US\$1500, AND ON YOUR FOURTH UNSOLICITED MAILING, YOU AGREE
TO PAY ME THE AMOUNT OF US\$2000, AND SO ON;

6- YOU AGREE THAT VENUE FOR ANY AND ALL DISPUTES RESOLUTION
PROCEEDINGS SHALL BE THE STATE OF WASHINGTON, BENTON COUNTY;

7- YOU SUBMIT YOUR PERSON TO THE JURISDICTION OF THE COURTS OF THE
STATE OF WASHINGTON.

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