

1 FLOYD E. IVEY
 2 Liebler, Ivey, Connor, Berry & St. Hilaire
 3 P. O. Box 6125
 4 Kennewick, WA 99336-0125
 5 509-735-3581
 6 Attorneys for Defendant
 7 Impulse Marketing Group, Inc.
 8 and Third Party Plaintiff

9 Klein, Zelman, Rothermel, & Dichter, L.L.P.
 10 By: Sean Moynihan, Esq.; Peter Glantz
 11 485 Madison Avenue
 12 New York, New York 10022
 13 Telephone Number (212) 935-6020
 14 Facsimile Number (212) 753-8101
 15 Attorneys for Defendant
 16 Impulse Marketing Group, Inc.
 17 and Third Party Plaintiff

18 ROBERT SIEGEL
 19 Attorney At Law
 20 1325 Fourth Avenue, Suite 940
 21 Seattle, WA 98101-2509
 22 Attorney for Plaintiff

23 UNITED STATES DISTRICT COURT FOR THE
 24 EASTERN DISTRICT OF WASHINGTON

25 JAMES S. GORDON, JR.,

No. CV-04-5125-FVS

26 Plaintiff,

27 vs.

MEMORANDUM: DEFENDANT
 AND THIRD PARTY PLAINTIFF'S
 RESPONSE TO THIRD PARTY
 DEFENDANT'S ASSERTIONS RE:
 DISQUALIFICATION

28 IMPULSE MARKETING GROUP,
 INC.,

Defendant

WITHOUT ORAL ARGUMENT

IMPULSE MARKETING GROUP,
 INC.,

Third-Party Plaintiff,

vs.

BONNIE GORDON, et al.,

Third-Party Defendants.

Defendant's Memorandum in Response to Motion for
 Disqualification - Page 1 of 7

Exhibit 4
06-01284-TSZ
Defendants memo
opposing Plaintiff

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE
 Attorneys at Law
 P.O. Box 6125
 Kennewick, Washington 99336-0125
 (509) 735-3581

EXHIBIT

2 page 1-71 motion to disqualify
Second Emergency Petition
for writ of habeas corpus

1 I. INTRODUCTION

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4 Ms. Jamila Gordon and Mrs. Bonnie Gordon make assertions in their
5 Declarations respectively of March 17, 2006 and March 20, 2006 regarding the
6 issue of disqualification of attorney Floyd E. Ivey from this matter. The assertions
7 by Mrs. Bonnie Gordon appear to duplicate or overlap those found in the
8 Declaration of Ms. Jamila Gordon.

9 Attorney Ivey appeared for defendants in the present matter in January,
10 2005 and thereafter in the Eastern District Court matter of Gordon v. Ascentive
11 CV-05-5079-FVS and the Benton County case of Gordon v. Efinancials LLC.

12 Argument and law have been previously provided by Defendant and Third
13 Party Plaintiff specifically directed to the issue of disqualification. The
14 subsequent assertions by Ms. Jamila Gordon and Mrs. Bonnie Gordon are now
15 addressed.

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17 II. PARTIES SELECTING COUNSEL OF CHOICE

18 Ms. Jamila Gordon's Declaration, page 1/paragraph 2 lines 5-page 2/line 3,
19 found as Exhibit 1, pages 8 to 28, to this Memorandum, have been objected to in
20 Defendant and Third Party Plaintiff's separate Motion to Strike Portions of
21 Declarations and Defendant has asked the Court to disregard the specific portions
22 of the Declaration of Ms. Jamila Gordon. These portions of Ms. Gordon's
23 Declaration of March 20, 2006 relate to the issue of a party having counsel of its
24 choice. Ms. Gordon argues that Ivey is not the counsel of choice but is a
25 subcontractor to primary counsel. Ms. Gordon cites no authority for the position
26 taken.

27 Ms. Godson does not acknowledge Mr. Ivey's representation of the defense
28 in the cases of Gordon v. Ascentive and Gordon v. Efinancials, the role therein

1 played by attorney Ivey and the absence of issues raised by Plaintiff Gordon
2 regarding Conflict.

3 The arguments fail. There was no conflict in representation. If there is a
4 question of prior representation the Plaintiff has waived the issue by the failure to
5 timely bring the matter of disqualification to the attention of the court. The
6 Motion to Disqualify should be denied.

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III. PRIVILEGED COMMUNICATIONS ALLEGED

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Ms. Jamila Gordon's Declaration, page 5, paragraph 9 alleges an attorney client relationship between Mr. Gordon and attorney Ivey by her discussions with Plaintiff Mr. Gordon. Ms. Gordon's Declaration has been objected to with the request that the testimony be disregarded as hearsay, conclusory and argumentative. However, the court is referred to The Declaration of Floyd E. Ivey, regarding the issue of disqualification, and Exhibit C which is the email between attorney Ivey and attorney McKinley of November 2, 2005, some eleven months after an initial discussion of any contention by Mr. Gordon of a conflict and with the conclusion that there would be no further contention of conflict raised.

The court is also again referred to Exhibit I to the Declaration of Floyd E. Ivey which comprises the email from Mr. Gordon to then Attorney General Gregoire, State Representatives Shirley Hankins and Jerome Delvin and State Senator Patricia Hale wherein Mr. Gordon addresses his concern and legislative proposals regarding unwanted electronic mail messages. Mr. Gordon's communications negate arguments that Mr. Gordon retained confidentiality regarding his efforts relative to electronic mail messages.

Additionally, regarding confidentiality, Ms. Jamila Gordon's Declaration at paragraph 9 and paragraph 11, references her Exhibit 7 and knowledge by attorney

1 Mr. Ivey as evidence that attorney Ivey demonstrated awareness of confidential
2 information. Ms. Gordon asserts that "...The actual mention of CMG was via
3 hyperlink to a web site created by my father, which contained...I believe the web
4 site has been taken down. on the surface, it appears that Mr. Ivey has direct
5 intimate knowledge of both sides in the instant conflict..."

6 However, the web sites referenced at Exhibit 7 have not been taken down.
7 Exhibit 2, pages 29 to 30, to this Memorandum illustrates the extensive presence
8 of Mr. James Gordon's litigation efforts including reference to American
9 Homeowners Assn, Commonwealth Marketing Group and Theodore Hansson Co.
10 Reference, in
11 Exhibit 2, pages 29 to 30, is made to ORDER DENYING DEFENDANT'S
12 MOTION TO DISMISS relative to Mr. Gordon's December 2001 filing of Gordon
13 v. Commonwealth.

14 Exhibit 3, pages 31 to 37, to this Memorandum demonstrates the results of a
15 search of Ms. Gordon's reference to the Exhibit 7 web site found at
16 www.gordonworks.com/spam where the Complaint of Gordon v. Kraft CV 05-
17 5002-EFS is found.

18 Exhibit 4, pages 38 to 56, is the Exhibit 7 web site where Gordon v.
19 Commonwealth Complaint is found at
20 www.gordonworks.com/spam/commonwealthmarketinggroup.htm. Additionally,
21 Defendant Impulse's attorneys Mr. Sean Moynihan and Mr. Peter Glantz were
22 long before aware of the matter of Gordon v. Commonwealth as evidenced by the
23 recitation to the case in the Impulse Motion to Dismiss brought in the current
24 matter.

25 Exhibit 5, pages 57 to 60, is a January 4, 2004 reference to Mr. Gordon's
26 litigation in Commonwealth.

27 Exhibit 6, pages 61 to 64, is a reference dated September 24, 2004 of Mr.
28 Gordon's formation of "Informal Coalition of Private Anti-spam Litigants

1 (ICPAL). Mr. Gordon's formation of ICPAL is seen at the second page of Exhibit
2 6, pages 61 to 64.

3 Exhibit 7, pages 65 to 67, refers to Mr. Gordon's filing of the
4 Commonwealth case. Page 2 of Exhibit 7 indicates that Mr. Gordon awaited news
5 of a settlement, on September 12, 2006, in the Commonwealth case.

6 Exhibit 8, pages 68-71, indicates the approaches taken by Mr. Gordon in
7 analyzing electronic mail messages to determine if statutory violations had
8 occurred.

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10 **IV. CONCLUSION-DISQUALIFICATION FAILS AND SANCTIONS ARE**
11 **SOUGHT**

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13 It is asserted that there was no representation by attorney Ivey of Mr.
14 Gordon relative to Mr. Gordon's Anti-spam efforts. The issue was addressed prior
15 to attorney Ivey engaging to represent Defendants relative to Mr. Gordon's efforts.
16 The first reference to a possible conflict was made November 2, 2005 in email
17 from attorney Mr. McKinley. The reference was immediately challenged by
18 attorney Ivey and Mr. McKinley advised that the issue would be dropped.
19 Attorney Ivey, at the time of Mr. McKinley's comment, was representing
20 Defendants in Impulse Marketing Group, Ascentive LLC and Efinancials LLC.
21 and had then represented Impulse for some eleven months. Motions challenging
22 jurisdiction and venue were brought by attorney Ivey in Ascentive LLC and
23 Efinancials LLC. Venue was changed, in Efinancials LLC, from Benton County
24 to King County.

25 Further, pursuant to Rule 11(c)(1)(B), Defendant and Third Party Plaintiff
26 Impulse respectfully requests that this Court impose sanctions upon Third Party
27 Defendants on the ground that Third Party Defendants' raising of the issue of
28 Disqualification was frivolous and would have been understood to be frivolous

1 upon a reasonable investigation by Third Party Defendants. Defendant has given
2 notice to the Third Party Defendants, by correspondence and by this reference, that
3 sanctions will be sought and that the issue of disqualification should be
4 withdrawn. Impulse requests that this Court impose sanctions upon Third Party
5 Defendants in an amount equal to the time and money expended by counsel for
6 Impulse in researching, preparing and filing responses to the issue of
7 Disqualification. Attorney Ivey has previously addressed the time for research and
8 drafting associated with the initial response. This reply to the Declarations of Mrs.
9 Bonnie Gordon and Ms. Jamila Gordon has required an additional five hours of
10 research and drafting by attorney Ivey. Further, the Initial Response by Defendant
11 and Third Party Plaintiff constituted notice under Fed. R. Civ. P. 11(c)(1)(A) more
12 than 21 days prior to the date of the scheduled hearing on April 10, 2006.
13 Sanctions should be imposed. *Cook v. Peter Kiewit Sons, Co.*, 775 F.2d 1030,
14 1037 n. 13 (9th Cir.1985); *Business Guides v. Chromatic Communications*,
15 *Enterprises*, 892 F.2d 802, 811 (9th Cir.1989), *aff'd* 111 S.Ct. 922 (1991).

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18 DATED this 2nd day of April, 2006.

19
20 **LIEBLER, IVEY, CONNOR, BERRY & ST.
21 HILAIRE**

22
23 **s/ FLOYD E. IVEY**
24 **Floyd E. Ivey, WSBA #6888**
25 **Attorneys for the Defendant Impulse**

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28 I hereby certify that on April 2, 2006, I electronically filed DEFENDANT

1 AND THIRD PARTY PLAINTIFF'S RESPONSE TO THIRD PARTY
2 DEFENDANT'S ASSERTIONS RE: DISQUALIFICATION with the Clerk of the
3 Court using the CM/ECF System which will send notification of such filing to
4 Robert Siegel, Peter J. Glantz and Sean A. Moynihan. I hereby certify that I have
5 served the foregoing to the following non-CM/ECF participants by other means:
6 Bonnie Gordon, Jonathan Gordon, James S. Gordon, III, Robert Pritchett, Emily
7 Abbey and Jamila Gordon.

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FLOYD E. IVEY

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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAR 20 2006

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF WASHINGTON AT RICHLAND

James S. Gordon, Jr., Plaintiff,

vs.

Impulse Marketing Group, Inc.,
Defendant

Impulse Marketing Group, Inc.,
Third-Party Plaintiff,

v.

Jamila E. Gordon, Third-Party
Defendant

Case No.: CV-04-5125-FVS

DECLARATION AND
RESPONSE TO IMPULSE AND
IVEY INITIAL MEMORANDUM
RESPONSE RE: THIRD PARTY
DEFENDANT'S MOTION TO
COMPEL AND MOTION TO
DISQUALIFY

TO: Clerk of the Court

AND TO: Floyd E. Ivey, Attorney for Third-Party Plaintiff

AND TO: Peter J. Glantz and Sean A. Moynihan

*Gordon v Impulse
CV 04 5125 FVS
Exhibits to memorandum
re. Disqualification
Exhibit #1*

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1 Jamila E. Gordon declares as follows:

- 2 1) I, Jamila E. Gordon, am a named third party defendant in the
3 above captioned lawsuit. I am over the age of 18 and am
4 otherwise competent to testify.
- 5 2) Impulse is arguing about the prospect of losing Mr. Ivey as
6 counsel for Impulse and the alleged hardship that would result.
7 However, this argument is not well reasoned because a)
8 Impulse retains counsel headed up by Klein, Zelman,
9 Rothermel, & Dichter b) it is Klein et al which hired Mr. Ivey
10 as local counsel for them c) It appears to me that Klein et al
11 receive copies of all documents filed and has primary
12 responsibility for Impulse's legal defense – not Mr. Ivey d) in
13 the arguments regarding cited cases, it appears that the
14 counsel disqualified were primary counsel not back-up or
15 secondary counsel (a sub-contractor), e.g. Mr. Ivey e) the harm
16 represented by disqualifying Mr. Ivey is greatly exaggerated as
17 Klein et al are Impulse's primary counsel - this motion to
18 disqualify does not impede that continued representation or
19 interfere with its basic relationship as Impulse's counsel of
20 choice f) using Mr. Ivey's words, "the court will not allow a
21 litigant to delay filing a motion to disqualify in order to use the
22 motion later as a tool to deprive his opponent of **counsel of his**
23 **choice** [emphasis added] after substantial preparation of a
24 case has been completed". The operative words are "counsel of
25 his choice" – I submit that Mr. Ivey is not counsel of choice by

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Impulse, but rather counsel of choice for Impulse's true, primary counsel, Klein et al. g) the cited case law does not apply to the disqualification of one's counsel's sub-contractor.

3) Commonwealth Marketing Group (CMG) – whose contract has already been introduced into evidence by Impulse sent a “cease and desist” letter to Impulse dated February 9, 2004 to stop it from sending emails to “gordonworks.com”. Impulse is withholding all documents which I have requested via discovery. It is my belief that these documents will substantiate the declarations made by me and further support the posture of CMG and Impulse indicated by the attached exhibit. **Exhibit 1**

4) Prior to this letter (Ex 1) by CMG, Impulse assured CMG that it was Can-Spam compliant. **Exhibit 2** However, Impulse continued to send spam to gordonworks.com through December 2005 – a per se violation of Can-Spam and RCW 19.190 et seq, despite Impulse's assurances to CMG that it was using suppression or scrub lists to ensure compliance. Impulse is sending spam to my new domain as recently as March 2006.

5) Impulse's reliance on accusations of a scheme and the concepts of indemnification and contribution “fail” in light of the fact that internal documents from Impulse and external documents from CMG, which indicate that Impulse's Ken Adamson, Jeffrey Goldstein, and John Huston – at a minimum, knew that no email was to be sent to the email address which bears my name at “gordonworks.com”. Despite this knowledge, each man, individually and as a collective, failed to reign in the torrent of

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email being sent to "gordonworks.com. My causes of action versus Impulse will bring out more of its scheme or conspiracy to defraud me.

- 6) Impulse's reliance on the assertions of fraud and deceit, tortious interference, malicious prosecution and breach of contract (even if there was a contract [which I deny] it was rescinded via unsubscribe requests in October 2003 starting with Exhibit 3) fail because of the evidence of opt-out requests as early as October 1, 2003. These opt-out requests along with the communications between CMG and Impulse indicate a good faith effort to extricate me from the failed attempt to obtain a prize, which ultimately proved to be part of a fraudulent free prize scheme by Impulse to steal my identity. **Exhibit 3**
- 7) Impulse's "prayer" for an injunction appears to be pure sophistry as the documents above indicate that Impulse has refused to honor unsubscribe requests by "gordonworks.com" email addressee(s). Further, Impulse has re-framed its refusal into a story about its fabricated victimization. In addition to ignoring opt-out requests from "gordonworks.com", Impulse ignored edicts from CMG and its own internal suppression guidelines -- making it answerable to no one. It is Impulse and its marketing partners' behaviors that led to any and all damages incurred by Plaintiff and the undersigned. Damages proffered by Impulse, allegedly as a result of a scheme, are illusory or self-inflicted.
- 8) Impulse's causes of action are based on a lie (or series of lies),



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1 for example, a) I participated in a scheme to defraud it b) I
2 opted into one or more of its websites c) I opted out of one or
3 more of its websites d) I opted in and opted out, repeatedly e)
4 Impulse believed that 3rd party defendants' subscriber profiles
5 were inaccurate and untruthful f) I solicited emails in order to
6 file multiple lawsuits (strictly speaking I have filed no lawsuits
7 against anyone – my counterclaims and causes of action against
8 Impulse were prompted by the pre-existing specious lawsuit by
9 Impulse – I have sued no one else) g) Impulse has sustained
10 financial loss and continues to accrue losses due to action(s) by
11 Plaintiff and 3rd party defendants. Had Impulse done as it was
12 instructed to do by its principal, CMG, this lawsuit may have
13 been averted altogether. Impulse's Adamson letter of 10/23/03
14 acknowledges Impulse's placement of "gordonworks.com" "in a
15 file of blocked and/or suppressed recipients – ALL email after
16 this time VIOLATED Impulse's and CMG's corporate policies
17 as well as state and federal civil and criminal laws as outlined
18 in my causes of action versus Impulse.

19 9) Based on an email [Exhibit ⁶K] and discussion with my father,
20 we both understood Mr. Ivey was "his" attorney and that all
21 that was discussed between the two of them was privileged. I
22 was shocked to hear that Mr. Ivey had switched sides as I had
23 also contacted him about a separate personal legal matter. The
24 documents in my possession appear to reveal a betrayal of my
25 father and a skirting of the truth by Mr. Ivey. Exhibit 4 –
email dated 9/22/03; Exhibit 5 – email dated 9/25/03; Exhibit

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6 - dated 9/30/03 to me; Exhibit 7 - dated 12/30/03; Exhibit 8 - dated 4/4/05.

- 10) I find it peculiar that Mr. Ivey would retain my father's email from 2002, but not the relevant 2003 emails.
- 11) Exhibit 7 lists the case of Gordon v. Commonwealth Marketing Group, Inc. The actual mention of CMG was via hyperlink to a web site created by my father, which contained detailed information about the lawsuit and emails and the analysis of the email - I believe the web site has been taken down. On the surface, it appears that Mr. Ivey has direct intimate knowledge of both sides in the instant conflict. Impulse argues "the relevant test for disqualification is whether the former representation is 'substantially related' to the current representation" - Gas-A-Thon citation. The substantially related argument is buttressed by Impulse's assertion/claim in its Motion to Dismiss based on "res judicata" (circa January 2005) that the corpus of email was identical.
- 12) Mr. Ivey et al have criticized my interrogatories, it appears that Impulse believes that I am simply parroting words for/from Plaintiff. Mr. Ivey fails to mention that I now have legitimate claims of my own (I have contemplated these counterclaims since the inception of the "slapp suit"). These new claims include a cause of action for statutory damages under RCW 19.190 et seq and Can-Spam as Impulse has insinuated itself into web sites which do not disclose a link to Impulse. Apparently, Impulse claims that it is a spammer's marketing

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partner simply because it bought or sold an email list from that spammer. Impulse has failed to disclose via interrogatories and requests for production its list of so-called marketers or extant contracts with same - ostensibly to avoid being painted with the same brush as these "fly-by-night" criminal spam gangs. For this pro se defendant, the distinction between Plaintiff's claims and mine, if there is one, is not discernible to me.

13) Impulse knows that it is suing pro se defendants. Pro Se defendants by definition are typically not attorneys. As a result, pro se defendants will make mistakes. Impulse has seized every opportunity to threaten and intimidate 3rd party defendants in terms of filings made and the errors which ensue. The primary threat has been for sanctions for making mistakes. If allowed, these sanctions would render 3rd party defendants "paralyzed" in terms of mounting our legal self-defense. It is highly likely that 3rd parties will make more mistakes in our self-defense. As a matter of equity, this Court, I trust, will adjudge each filing made by a 3rd party defendant on a good faith proffer of facts - not my legal education or lack thereof.

14) I do not want to have to interact with Mr. Ivey et al because of his tendency to intimidate/threaten. There is a "veiled" threat by Mr. Ivey on page 10 of his memorandum suggesting that my father is "practicing law". This is not the first time that he has levied such a charge. If Impulse wishes to engage in another side show or ruse, then I would be happy to testify along with my family and my father's friends as to the role he has played

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X


1 in this case – this calculated merit-less distraction is a waste of
2 judicial resources predicated on the realization that Impulse's
3 theory of the case is smoke and mirrors – something that our
4 jury will clearly see.

5 15) My opinion is that Mr. Ivey is not a man of his word. That is
6 the reason why I have requested my father's help. He has
7 buffered me from the day-to-day skirmishes with Impulse.
8 However, he has not submitted anything to the Court on my
9 behalf without my input and foreknowledge. It appears that
10 Impulse could correspond via email [to my father and copying
11 3rd parties and Mr. Siegel] or suggest yet another way to
12 overcome the impasse regarding the need to communicate in
13 this case. We have been pulled into Impulse's mean-spirited
14 and illegal charade, but we will defend ourselves to the best of
15 our collective abilities.

16 I declare under penalty of perjury under the laws of the United States
17 that the foregoing is true and correct.

18
19 Jamila E. Gordon
20 9804 Buckingham Drive
21 Pasco, WA 99301
22 509-210-1069

23 EXECUTED this 20th day of March, 2006

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DECLARATION/RESPONSE - 8

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Certificate of Service

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I, hereby, certify that on March 20, 2006, I filed this affidavit with this Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan, Floyd E. Ivey, Bonnie Gordon, James Gordon III, Jonathan Gordon, Emily Abbey, and Robert Fritchett by other means.

[Handwritten signature]

DECLARATION RESPONSE-9

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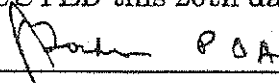
in this case – this calculated merit-less distraction is a waste of judicial resources predicated on the realization that Impulse’s theory of the case is smoke and mirrors – something that our jury will clearly see.

15) My opinion is that Mr. Ivey is not a man of his word. That is the reason why I have requested my father’s help. He has buffered me from the day-to-day skirmishes with Impulse. However, he has not submitted anything to the Court on my behalf without my input and foreknowledge. It appears that Impulse could correspond via email [to my father and copying 3rd parties and Mr. Siegel] or suggest yet another way to overcome the impasse regarding the need to communicate in this case. We have been pulled into Impulse’s mean-spirited and illegal charade, but we will defend ourselves to the best of our collective abilities.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Jamila E. Gordon
9804 Buckingham Drive
Pasco, WA 99301
509-210-1069

EXECUTED this 20th day of March, 2006





Certificate of Service

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I, hereby, certify that on March 20, 2006, I filed this affidavit with this Court. I have served Bob Siegel, Peter J. Glantz, Sean A. Moynihan, Floyd E. Ivey, Bonnie Gordon, James Gordon III, Jonathan Gordon, Emily Abbey, and Robert Pritchett by other means.

Paul POA



One Millennium Drive
Uniontown, PA 15401
Phone: (724) 437-3707

February 9, 2004.

Jeff Goldstein
Impulse Marketing Group, Inc.
Five Concourse Parkway, Suite 950
Atlanta, GA 30328

Facsimile: (678) 805-2101

Re: James S. Gordon, Jr. v. Commonwealth Marketing Group, Inc.

Dear Jeff:

Commonwealth Marketing Group, Inc. (CMG) hereby gives notice to Impulse Marketing Group, Inc. (IMG) to immediately cause IMG affiliated marketers, offerclicks and freebiegazette, to cease representing, in any and all manner whatsoever, IMG on behalf of CMG, unless and until IMG provides CMG with assurance that it has caused all of its affiliated marketers, including the two mentioned above, to cease and desist from sending messages, to the gordonworks.com e-mail domain.

CMG finds it necessary to take this drastic action as, despite repeated telephone conversations with IMG officers and staff of the need to act immediately on this extremely urgent matter, we learned today that the gordonworks.com domain continues to receive messages from IMG-affiliated marketers. Specifically, on January 7, I wrote to you, attached a copy of an Order of Court of Benton County, Washington, against me, personally, CMG and IMG, enjoining the sending of e-mail messages to James Gordon. On January 9, John Fouzo, CMG Vice President and General Counsel, wrote to IMG's Phil Huston, requesting assurances concerning IMG CAN SPAM Act and state anti-Spam law compliance. (Gordon's lawsuits against CMG was filed pursuant to the Washington anti-Spam law). On February 2, Mr. Fouzo again wrote to Phil Huston, informing IMG in writing of our previous oral notification of the Gordon vs. CMG litigation, and raising indemnification issues under the CMG-IMG Website Development and Marketing Services Agreement.

It is my understanding that IMG's lawyers have responded in writing to the January 9 letter concerning SPAM law compliance, providing assurances of IMG compliance. Further, on multiple occasions, CMG has forwarded to IMG several e-mail messages as provided by James Gordon to me, for research and evaluation as to, among other things, origin of the messages, any evidence of Gordon opt-ins, as well as evidence of cessation of messages, to the extent they originated from an IMG affiliated marketer. My staff

CMG 000052

MARKETING • FULFILLMENT SERVICES • DIRECT MAIL • IN-HOUSE LETTERSHOP • STATE OF THE ART CALL CENTER

09/06/2004 FRI 12:28 [TX/RX NO 6653] 0/024

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Case 2:06-cv-01284-TSZ Document 16 Filed 10/20/2006 Page 20 of 71

Case 2:04-cv-05125-FVS Document 297 Filed 03/20/2006

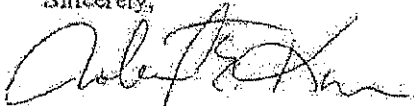
advises that they have had continuous dialogue with IMG technical staff as to these messages, together with certain assurances that proper safeguards were put in place to make certain that additional messages are not sent to Mr. Gordon.

What is equally troubling to me is that IMG was first notified of Gordon's alleged receipt of SPAM in September of 2003, immediately upon CMG's receipt of notice from Gordon of the allegations. Certainly, IMG has had sufficient time to address this serious situation. Thus, you can imagine my confusion, anger and embarrassment when I received from James Gordon on February 7, yet two additional e-mail messages that appeared to have originated from IMG affiliated marketers.

Jeff, it is absolutely imperative that this situation be addressed immediately. Given the long and productive business relationship that CMG and IMG has enjoyed, you must see this demand for IMG affiliated marketers who send messages to gordonworks.com, including the two mentioned above, to cease and desist representing IMG on CMG products as a final effort to get IMG's attention to do what is legally required and commercially responsible.

Please call me immediately upon receipt. At that time, we can direct to the person at IMG who will give this their undivided and immediate attention, the most recent e-mail messages received from James Gordon.

Sincerely,



Robert E. Kane
President & CEO

CMG 000053

MARKETING • FULFILLMENT SERVICES • DIRECT MAIL • INHOUSE LETTERBOX • STATE OF THE ART CALL CENTER
08/06/2004 FRI 12:26 [TX/RX NO 6835] 0025

20



Exhibit 2

KLEIN, ZELMAN, ROTHERMEL & DICHTER, L.L.P.

ATTORNEYS AT LAW

485 MADISON AVENUE

NEW YORK, NEW YORK 10022-5803

TEL (212) 685-8020

FAX (212) 753-8101

e-mail: kzrd@kzrd.com

STEPHEN B. HANSBURG
OF COUNSEL

FRED C. KLEIN
ANDREW E. ZELMAN
JOAN EBERT ROTHERMEL
JOEL P. DICHTER
JANE B. JACOBS
NANCY B. SCHESS
DAVID O. KLEIN
LAURENCE J. LEBOWITZ
SEAN A. MOYNIHAN

JOHN T. LIM
JOSHUA D. ROSE
DEENA B. BURGESS

February 3, 2004

VIA FIRST CLASS MAIL

John P. Fonzó, Esq.
Vice President & General Counsel
Commonwealth Marketing Group
One Millennium Drive
Uniontown, PA 15401

Re: CAN-SPAM compliance

Dear Mr. Fonzó:

Please be advised that this firm represents Impulse Marketing Group, Inc. ("Impulse"). We write in response to your January 9, 2004 correspondence addressed to Mr. Phil Huston, in which you request that Impulse detail the steps that it has taken to comply with the provisions of the CAN-SPAM Act of 2003 ("CAN-SPAM" or the "Act"), specifically as they relate to the services that Impulse provides to Commonwealth Marketing Group ("Commonwealth") under contract dated December 10, 2001 (the "Agreement"). Impulse has assured us that during the life of its relationship with Commonwealth, it will at all times provide services to Commonwealth in strict conformance with the requirements of CAN-SPAM and any subsequent amendments. In furtherance of this commitment, Impulse is amenable to crafting a mutually acceptable rider to the existing Agreement that will address the parties' respective CAN-SPAM obligations, while providing reciprocal indemnification provisions that will be triggered should either party at any time fail to comply with the Act.

As of January 1, 2004, Impulse has implemented the following internal procedures so that its business is conducted in accordance with CAN-SPAM regulations. In particular, and without limitation, Impulse ensures that each and every commercial e-mail that it sends, or has sent through a third party, contains: accurate header information; correct domain name and/or IP address; "subject" and "from" lines that are not fraudulent, deceptive or misleading; a functioning return/reply e-mail address for unsubscribe purposes and an unsubscribe hyperlink

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CMG 000050

21

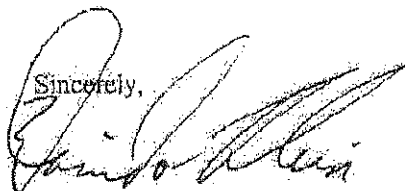
KLEIN, ZELMAN, ROTHBERG & DICHTER, L.L.P.

*John P. Fanzo, Esq.
February 3, 2004
Page 2*

that is functional for thirty (30) days after the applicable e-mail transmission date; language identifying such commercial e-mail as an advertisement or solicitation; and valid, physical mailing addresses (not P.O. boxes) for both Impulse and its advertiser-clients, such as Commonwealth. As required by the Act, Impulse processes all unsubscribe requests within ten (10) days of receiving such requests, if not sooner. Each unsubscribed e-mail address is then transferred to the Impulse suppression list. This list is updated on a daily basis, divided up into separate advertiser-specific suppression lists and made available to the applicable advertiser-clients for their own internal scrubbing and suppression purposes.

Should you have any further questions on the CAN-SPAM compliance measures taken by Impulse, please contact me at your convenience. We will begin drafting the CAN-SPAM rider next week and will have same for your review promptly thereafter. I look forward to working with you.

Sincerely,



David O. Klein

cc: Phil Huston

CMG 000051

X5

22

Case 2:06-cv-01284-TSZ Document 16 Filed 10/20/2006 Page 23 of 71
EmailPrize.com, 07:07 AM 10/17/2003 -0700, Unsubscribed Successful! Page 1 of 1

Case 2:04-cv-005125-FVS Document 297 Filed 03/20/2006

Exhibit 3

X-Persona: <ValueWeb>
 Received: from cust_req_fwding (james@gordonworks.com --> jim@gordonworks.com) by ams.ftl.affinity.com id <216611-20680>; Wed, 1 Oct 2003 10:08:34 -0400
 Received: from relay02.mindsharredesign.com ([216.39.113.10]) by ams.ftl.affinity.com with ESMTTP id <216875-20663>; Wed, 1 Oct 2003 10:07:39 -0400
 Received: from i.pm0.net (i.pm0.net [216.39.113.141]) by relay02.mindsharredesign.com (Postfix) with ESMTTP id A6E31643B for <james@gordonworks.com>; Wed, 1 Oct 2003 07:05:16 -0700 (PDT)
 Received: (from pmguser@localhost) by i.pm0.net (8.12.8/8.12.2/Submit) id h91E7bxU007989; Wed, 1 Oct 2003 07:07:37 -0700 (PDT)
 Date: Wed, 1 Oct 2003 07:07:37 -0700 (PDT)
 Message-Id: <200310011407.h91E7bxU007989@i.pm0.net>
 From: "EmailPrize.com" <pmgsender@returns.mb00.net>
 To: <james@gordonworks.com>
 X-PMG-Userid: emailprize
 X-PMG-Msgid: unsubscribe
 X-PMG-Recipient: james@gordonworks.com
 Subject: Unsubscribed Successful!
 MIME-Version: 1.0
 Content-Type: text/plain; charset="iso-8859-1"

You have been unsubscribed to the EmailPrize Newsletter. We are sorry to see you leave.

EmailPrize.com

23

X6

From: "floyd ivey" <feivey@3-cities.com>
To: "Jim Gordon" <res08nqc@verizon.net>
Subject: Re: Help With District Courts Complaints
Date: Mon, 22 Sep 2003 10:29:23 -0700
X-Mailer: Microsoft Outlook Express 6.00.2800.1158

Jim,

Thanks for the interesting note. I certainly have an interest but will first point you to direct contact with the Attorney General's office. They may be able to indicate the extent of their efforts and may have an interest in your work.

Moving a positive result in District Court to a meaningful prospect of gaining dollars will likely be difficult. The Attorney General may have a clear perspective of the possibility of having success via litigation.

Please let me know the nature of any contact you might have with the AG.

Floyd E. Ivey

----- Original Message -----

From: "Jim Gordon" <res08nqc@verizon.net>
To: <feivey@3-cities.com>
Sent: Monday, September 22, 2003 8:15 AM
Subject: Help With District Courts Complaints

- > Floyd:
- >
- > I would like you to consider the following information as I will need help completing the work that I have outlined, below...
- >
- > I have taken the following affirmative steps to reduce the 600+ emails that I have been receiving every day since 1998:
- >
- > 1. I purchased forensic software to allow me to trace the origin of emails.
- > 2. Mailed demand letters to individuals and entities that have spammed me.
- > Each letter contained the following info:
- > a. A two page copy of RCW 19.190 - WA anti-spam statute
- > b. Copies of the unlawful headers from the email that the spammers sent to me.
- > c. Demand for damages of \$500 per violation - the threshold for sending a letter was 10 violations or more
- > 3. Mailed a total of 30 demand letters to the most egregious violators of this law.
- >
- > Currently, I have drafted a complaint - the draft was based on a template from a successful defense of RCW 19.190 in Western WA. I am seeking an attorney to "perfect" my complaint so that I may file it in District Court.
- > In the alternative, I may want to hire an attorney to represent me in court.
- >
- > An interesting side note is since the demand letters were delivered to these spammers, a few have continued to send their spam "flaunting" our law. I believe that there is a second cause of action (perhaps harassment)

0003

Printed for Jim Gordon <Kamau@charter.net>

10/2/2005

24

X

Exhibit 5

From: "floyd ivey" <feivey@3-cities.com>
To: "Jim Gordon" <res08nqc@verizon.net>
Subject: Re: Article from Wired World
Date: Thu, 25 Sep 2003 09:38:24 -0700
X-Mailer: Microsoft Outlook Express 6.00.2800.1158

Jim,

The problem with present resistance to spam is the cost. That is, it will cost \$225/hour for me to explore with no clear ability to find a solution. Further, should you actually locate a spammer there would be doubt regarding the ability to collect on any judgment.

in the mean time someone has commenced such a lawsuit. I haven't heard re: the status for months. And the Attorney Generals of many states are likely looking at the issue.

Thus others are doing the work at no expense to you. There will be a real budget needed for you to commence the effort. Please advise if you want to examine the prospect of going forward.

Floyd

----- Original Message -----

From: "Jim Gordon" <res08nqc@verizon.net>
To: <feivey@3-cities.com>
Sent: Thursday, September 25, 2003 9:09 AM
Subject: Article from Wired World

> Floyd:

>

> My domain name - gordonworks.com is under siege. Whether we consider my
> domain name intellectual PROPERTY or personal PROPERTY, this property is
> being encroached upon - to the tune of 4MB+ every day. This encroachment
> displaces my computer's memory with unsolicited - even unlawful commercial
> email.

>

> I have kept records of this spam since 8/6/03. In that time (51 days), I
> have received 122MB of spam. In the past 24 hours, I have received 4.6MB
> of
> spam. I am feeling a sense of urgency...

>

> One might ask why I don't simply filter and delete these email. I have
> been

> filtering and deleting email since 1998. During that time, my daily volume
> of email approached 1500 messages per day. I found that filters can be
> defeated/circumvented - so I spent time revising and updating my filters.
> My collection of spam (over 20,000 messages) now serves one purpose - that
> of being evidence against those who spam me and millions of others.

>

> My spam problem was an imposition on my business and it is an imposition
> on

> my personal use of the Internet. Therefore, I have chosen to stop running
> and hiding from spam. I believe that Washington's anti-spam statute was
> designed to prevent much of the abuse that I am experiencing.

>

> The article below discusses the concept of "trespass" as it pertains to
> spam...I experience this sense of being trespassed upon each time that I
> check my email - 6+ times per day.

0019

file://C:\DOCUME~1\JIMGOR~1\BUS\LOCALS~1\Temp\eud11.htm

10/2/2005

25

X

Exhibit 6

Jamila & Tommy, 01:26 PM 9/30/2003 -0700, Update

To: "Jamila & Tommy" <jamila@charter.net>
 From: Jim Gordon <res08nqc@verizon.net>
 Subject: Update
 Cc:
 Bcc: bonnie.gordon@verizon.net
 Attached: C:\Temp\Spam Complaint Form_files\Complaints\pleadingdraftAmericanHomeownersASSN.doc; C:\Temp\Spam Complaint Form_files\Complaints\pleadingdraftTheodorehansson.doc;

Jamila:

Please hold on to the attachments - they are templates for future litigation. The email accounts for the family have the following totals:

<u>Name</u>	<u>Total Emails (unresearched)</u>	<u>Unlawful spam (researched)</u>
Bonnie	1505	153
James	3409	343
Jamila	1132	94
Jay	1552	124
Jen	1138	95

The complaints that I drafted for my attorney, Floyd Ivey, are attached. Each unlawful spam could be worth \$500 - if we prevail in court

26

X9

Ek' bit 7

feivey@3-cities.com, 11:13 AM 12/30/2003 -0800, Status

To: feivey@3-cities.com
From: Jim Gordon <res08nqc@verizon.net>
Subject: Status
Cc:
Bcc:
Attached:

Floyd:

On Wednesday, the 24th a Superior Court judge gave me an early Christmas present in the form of two temporary restraining orders against two of the companies that have been spamming me. On January 8th, 2004, I will appear in Superior Court to request a permanent injunction against these companies and their agents.

Below are links to the steps that I have taken to stop the spamming.

Here's a link to the online Herald-Standard.

http://www.heraldstandard.com/site/news.cfm?newsid=10686398&BRD=2280&PAO=461&dept_id=480247&rfi=8

<http://www.gordonworks.com/spam>

<http://www.gordonworks.com/spam/TedHansson.htm>

<http://www.gordonworks.com/spam/CommonwealthMarketingGroup.htm>

If I prevail in these initial lawsuits, there are over 70 more anti-spam lawsuits that I wish to file in Superior and District Courts. If you are still interested, in what way do you envision assisting me?

Seasons Greetings,
Jim Gordon

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~~20~~

Akers, Doug E, 08:47 AM 4/4/2005 -0700, RE: FW: Battelle Contract for Review

To: "Akers, Doug E" <doug.akers@pnl.gov>
From: Jim <Kamsu@charter.net>
Subject: RE: FW: Battelle Contract for Review
Cc:
Bcc:
Attached:

Actually it is Doug McKinley v Floyd Ivey

At 07:48 AM 4/4/2005 -0700, you wrote:

By chance are you working with Dave Broussard? Good Guy

Look forward to hear from one of them.

Take Care

Doug

-----Original Message-----

From: Jim [mailto:Kamsu@charter.net]
Sent: Saturday, April 02, 2005 8:30 AM
To: Akers, Doug E
Cc: Shoemaker, Steven V
Subject: Re: FW: Battelle Contract for Review

Doug:

I have not had an opportunity to take this contract to an attorney yet - because the two attorneys that I typically use are facing one another - one for me and the other against (yes, it technical is a conflict of interest, but...). The attorney that is for me, does work for the Lab, which makes advising me a possible conflict of interest - so, I may go to a third attorney...

I appreciate you diligence on the preparation of this document and will get legal advice as soon as possible.

Best Regards,
Jim

At 07:29 AM 3/7/2005 -0800, you wrote:

Jim,

Here it is. Hopefully it will make it through this time.

Doug

-----Original Message-----

From: Akers, Doug E
Sent: Tuesday, February 22, 2005 12:07 PM
To: 'Jim@gordonworks.com'
Cc: Shoemaker, Steven V; Strycker, Forest E Jr
Subject: Battelle Contract for Review

Jim,

28

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gordonworks.com commonwealth [Advanced Search](#)
[Preferences](#)

Web Results 1 - 10 of about 40 for **gordonworks.com commonwealth**. (0.74 seconds)

Tip: Save time by hitting the return key instead of clicking on "search"

James S. Gordon, Jr. Plaintiff, vs. Commonwealth Marketing Group ...
Commonwealth Marketing Group, Inc., Defendant Case No.03-2-02677-5 ... 2.1
Commonwealth Marketing Group, Inc., is located at 1 Millenium Dr., Uniontown, ...
www.gordonworks.com/span/CommonwealthMarketingGroup.htm - 61k - Supplemental
Result - [Cached](#) - [Similar pages](#)

THE GORDON GROUP HOME PAGES--Small Office Home Office
... American Homeowners Assn. Commonwealth Marketing Group; Theodore Hansson Co.
... In Association with Amazon.com. Jim Gordon jim@gordonworks.com. ...
www.gordonworks.com/bus/bustext.htm - 50k - Supplemental Result -
[Cached](#) - [Similar pages](#)

*American Homeowners
Commonwealth
Theodore Hansson*

[PDF] ORDER DENYING DEFENDANT'S MOTION TO DISMISS - 1 UNITED STATES ...
File Format: PDF/Adobe Acrobat - [View as HTML](#)
"Gordonworks.com". Related Action. In December 2001, Plaintiff filed a complaint against
Commonwealth Marketing Group, Inc. ("CMG") in Benton County ...
www.steptoe.com/publications/PI10234.pdf - [Similar pages](#)

December 2001

[PDF] ORDER DENYING DEFENDANT'S MOTION TO DISMISS - 1 UNITED STATES ...
File Format: PDF/Adobe Acrobat - [View as HTML](#)
Commonwealth MARKETING GROUP, INC. ("CMG") in Benton County Superior. COURT.
that Action (the "Related Action") was subsequently removed ...
www.steptoe.com/publications/365e.pdf - Supplemental Result - [Similar pages](#)

Home Office Careers

... www.gordonworks.com DAI : Careers : US Home Office. ... www.kent.ac.uk Foreign
& Commonwealth Office Careers with the FCO. ...
www.apaxilattorneyforyou.com/info/Home-Office-Careers - 19k - Supplemental Result -
[Cached](#) - [Similar pages](#)

Approved Card Credit Pre Unsecured

commonwealth marketing group ... 1. Subject: PLATINUM Credit Card - APPLY NOW. 2 ...
Credit Pre-Approved for JONATHAN@GORDONWORKS.com- \$7500. 92. ...
www.creditcardflex.com/directory/ approved-card-credit-pre-unsecured.html - 36k -
Supplemental Result - [Cached](#) - [Similar pages](#)

Indiana University of Pennsylvania - Counseling Dept. Career ...

Commonwealth of PA, http://sites.state.pa.us/PA_Exec/state_police.jobs/cadet.htm ... Job
and Career Information Links, <http://gordonworks.com> ...
www.coe.iup.edu/ce/careerdevelop.html - 112k - [Cached](#) - [Similar pages](#)

Approved Card Credit Pre Unsecured

... commonwealth marketing group ... Subject: Claim an Approved \$7500 Platinum Card.
24 ... credit pre-approved for JONATHAN@GORDONWORKS.COM- \$7500. 92. ...
www.bookbizz.com/3/ approved-card-credit-pre-unsecured.html - 13k - Supplemental Result
- [Cached](#) - [Similar pages](#)

Exhibit 2

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MetaSearch - Web Search for "Unsecured Platinum Plus Card"

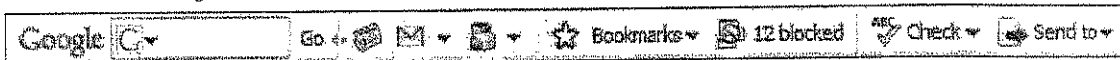
Platinum-CrossBar.com/?Source=enhance (Ah_Ha) | more Like This. 5. **commonwealth** marketing group ... 9. Subject: \$7500 Platinum Plus Card - Get 1 now. 10. ... fast-meta-search.com/metasearch.cgi?results& keywords=Unsecured+Platinum+Plus+Card&page=1&desc... - 77k - Supplemental Result - [Cached](#) - [Similar pages](#)

<http://www.seek.com.au/> | CareerOnemore hits from: h~~http://www...~~ with the **Commonwealth** Bank of Australia you can set up ... <http://www.dewrsb.gov.au/> | DEWR ... **Commonwealth** Public Sector. Trades Recognition Australia. ... www.search-for-a.com/perl/bidsearch/cache/jobs%20employment%20australia-AlltheWeb.txt - 38k - Supplemental Result - [Cached](#) - [Similar pages](#)



Result Page: 1 2 3 4 **Next**

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gordonworks.com commonwealth

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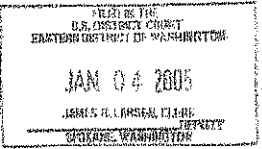
Exhibit # 3

This is Google's cache of <http://www.gordonworks.com/spam/> as retrieved on Jan 25, 2006 06:04:04 GMT. Google's cache is the snapshot that we took of the page as we crawled the web. The page may have changed since that time. Click here for the [current page](#) without highlighting. This cached page may reference images which are no longer available. Click here for the [cached text only](#). To link to or bookmark this page, use the following url: <http://www.google.com/search?q=cache:wGr9cGgXx4J:www.gordonworks.com/spam/+&hl=en&ql=us&ct=clink&cd=1>

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DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 202
Richland, Washington 99352
Phone 628-0809 Fax (509) 628-2307



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT RICHLAND

JAMES S. GORDON, JR.
an individual residing in
Benton County, Washington.

Plaintiff,

vs.

KRAFT FOODS, INC.
a Virginia Corporation

Defendant.

NO. CV-05-5002-EFS

COMPLAINT
JURY TRIAL REQUESTED

TO: CLERK OF COURT

AND TO: Roger K. Deromedi
Chief Executive Officer
Kraft Foods, Inc.
Three Lakes Drive
Northfield, IL 60093

COMES NOW, plaintiff, James S. Gordon, Jr., and brings this COMPLAINT against defendant named herein. Plaintiff alleges the following on information and belief:

- 1. PARTIES
- 1.1 Plaintiff James S. Gordon, Jr. is and was a resident of Benton County, Washington during the time of all acts complained of herein.

COMPLAINT

1

DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 202
Richland, Washington 99352
Phone 628-0809 Fax (509) 628-2307

32

1 1.2 Defendant Kraft Foods, Inc., is a Virginia Corporation having its principle place
2 of business located at Three Lakes Drive, Northfield, IL 60093

3
4 2. JURISDICTION

- 5 2.1 The Defendant regularly transacts business within the State of Washington.
- 6 2.2 As a result of the Defendant's transactions within the State of Washington, this
7 Court has personal jurisdiction over the Defendant under RCW 4.28.185(1)(a).
- 8 2.3 The cause of action complained of herein includes allegations that commercial
9 electronic messages sent by or on behalf of the Defendant to the Plaintiff violate
10 RCW 19.190 et seq. and RCW 19.86 et seq. and includes a prayer for relief in
11 excess of \$75,000, exclusive of interest and costs.
- 12 2.4 This Court has original jurisdiction over the subject matter of this complaint
13 under 28 U.S.C. § 1332 as it is a controversy between citizens of different
14 states, it contains allegations that the Defendant's conduct violated RCW 19.86
15 et seq. and RCW 19.190 et seq., and the amount in controversy exceeds
16 \$75,000, exclusive of interest and costs.

17 3. CAUSE OF ACTION

- 18 3.1 Plaintiff realleges Paragraphs 1.1 through 2.4 and incorporates them herein as if
19 set forth in full.
- 20 3.2 The Plaintiff is the registrant of the internet domain name "Gordonworks.com."
- 21 3.3 At all times relevant to this action, the Plaintiff's status as a Washington
22 resident is and was available, upon request, from the Plaintiff.
- 23 3.4 The Plaintiff's status as a Washington resident and the Plaintiff's internet
24 domain name "Gordonworks.com" has been and is registered, at all times
25 relevant to this complaint, with the Washington's Association of Internet
26 Service Providers' (WAISP) database.

COMPLAINT

2

DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 702
Richland, Washington 99352
Phone 628-0809 Fax (509) 628-2307

33

- 1 3.4.1 Plaintiff is an interactive computer service as that term is defined in RCW
- 2 19.190.010 (7)
- 3 3.5 On or about September 27, 2003, the Defendant received a letter sent by
- 4 Plaintiff by certified mail, return receipt requested, advising the Defendant that
- 5 Plaintiff was a resident of the State of Washington, and that the Defendant was
- 6 sending the Plaintiff commercial electronic mail messages to Plaintiff's domain
- 7 "Gordonworks.com" which violated RCW 19.190 et seq. and RCW 19.86 et
- 8 seq.
- 9 3.6 Despite this letter, the Defendant has continued to initiate the transmission,
- 10 conspired with another to initiate the transmission, or assisted the transmission,
- 11 of commercial electronic mail messages to the Plaintiff at Plaintiff's domain
- 12 "Gordonworks.com."
- 13 3.7 In the time period subsequent to the Defendant's receipt of Plaintiff's letter,
- 14 Plaintiff has received 207 commercial electronic mail messages from the
- 15 Defendant, or agents acting at the direction of and on behalf of the Defendant, at
- 16 Plaintiff's domain, "Gordonworks.com."
- 17 3.8 The Defendant knew or consciously avoided knowing that the initiator of these
- 18 commercial electronic mail messages was engaged in a practice that violates
- 19 Washington State's consumer protection act, RCW 19.86.
- 20 3.9 All of the commercial electronic mail messages violate at least one prohibition
- 21 of RCW 19.190.020 (1)(a) or (b) because each of the commercial electronic
- 22 mail messages:
- 23 3.9.1 misrepresent or obscure information identifying the point of origin of the
- 24 commercial electronic mail message, and/or
- 25 3.9.2 misrepresent or obscure information identifying the transmission path of the
- 26 commercial electronic mail message, and/or
- 3.9.3 contain false or misleading information in the subject line of the commercial
- electronic mail message.

COMPLAINT

3

DOUGLAS E. MCKINLEY, JR.
 Attorney At Law
 P.O. Box 282
 Richland, Washington 99352
 Phone 628-0809 Fax (509) 628-2307

34

- 1 3.10 Pursuant to RCW 19.190.030 (1)(a) and (b), all of the commercial electronic
- 2 mail messages violate Washington State's consumer protection act, RCW 19.86,
- 3 because each of the commercial electronic mail messages:
- 4 3.10.1 misrepresent or obscure information identifying the point of origin of the
- 5 commercial electronic mail message, and/or
- 6 3.10.2 misrepresent or obscure information identifying the transmission path of the
- 7 commercial electronic mail message, and/or
- 8 3.10.3 contain false or misleading information in the subject line of the commercial
- 9 electronic mail message.
- 10 3.11 The Plaintiff fully expects that the Defendant, or the Defendant's agents acting
- 11 on behalf of and at the direction of the Defendant, will continue to send
- 12 commercial electronic mail messages to the Plaintiff throughout the period that
- 13 resolution of this complaint is pending, which will also violate at least one
- 14 prohibition of RCW 19.190.020 (1)(a) or (b) and constitute a *per se* violation of
- 15 RCW 19.86 under RCW 19.190.030 (1)(a) or (b).

15 4. PRAYER FOR RELIEF

- 16 4.1 Plaintiff, James S. Gordon, Jr., prays for relief as follows:
- 17 4.2 That the Court adjudge and decree that defendant has engaged, and continues to
- 18 engage, in the conduct complained of herein.
- 19 4.3 That the Court adjudge and decree that the conduct complained of in paragraphs
- 20 3.1 through 3.9.3, and paragraph 3.11, constitutes violations of the Commercial
- 21 Electronic Mail Statute, RCW 19.190.020.
- 22 4.4 That the Court adjudge and decree that the conduct complained of in paragraphs
- 23 3.1 through 3.11 constitutes violations of the Commercial Electronic Mail
- 24 Statute, RCW 19.190.030, and therefore a violation of the Consumer Protection
- 25 Act, RCW 19.86.
- 26

COMPLAINT

DOUGLAS E. MCKINLEY, JR.
 Attorney At Law
 P.O. Box 202
 Richland, Washington 99352
 Phone 628-0809 Fax (509) 628-2307

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4.5 That the Court assess civil penalties, pursuant to 19.190.040(1) of five hundred dollars (\$500) per violation against defendant for each and every one of the violations of RCW 19.190.020 caused by the conduct complained of herein.

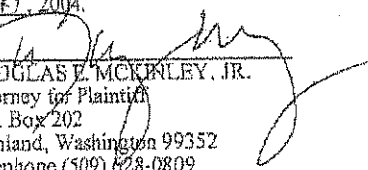
4.5.1 That the Court assess civil penalties, pursuant to 19.190.040(1) of one thousand dollars (\$1,000) per violation against defendant for each and every one of the commercial electronic email messages sent through plaintiff's interactive computer service in violation of RCW 19.190.020.

4.6 That the Court assess civil penalties, pursuant to RCW 19.86.140, of two thousand dollars (\$2,000) for each and every one of the violations of RCW 19.86 caused by the conduct complained of herein.

4.7 That the Court enter judgment pursuant to RCW 19.86.140 providing that Plaintiff has been injured by the conduct complained of herein, and ordering that the Plaintiff recover from the defendant the costs of this action, including reasonable attorney's fees.

4.8 That the Court order such other relief as it may deem just and proper to fully and effectively remedy the effects of, and prevent future instances of, the conduct complained of herein, or which may otherwise seem proper to the Court.

DATED this 4th day of JANUARY, 2004.


DOUGLAS E. MCKINLEY, JR.
Attorney for Plaintiff
P.O. Box 202
Richland, Washington 99352
Telephone (509) 628-0809
Fax (509) 628-2307

COMPLAINT

DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 202
Richland, Washington 99352
Phone 628-0809 Fax (509) 628-2307

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1 a g c o o r d

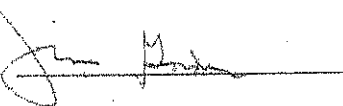
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VERIFICATION

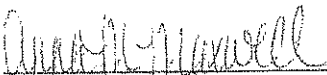
STATE OF WASHINGTON)
)
)
COUNTY OF BENTON)

James S. Gordon, Jr., being first duly sworn, states that he has read the foregoing COMPLAINT and that the statements contained therein are true to the best of his knowledge and belief.

Dated this 30 day of December, 2004.

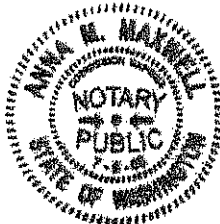


SUBSCRIBED AND SWORN to before me this 30 day of December, 2004.


NOTARY PUBLIC
Residing in the State of Washington

My Commission Expires:

7/08/08



COMPLAINT

DOUGLAS E. MCKINLEY, JR.
Attorney At Law
P.O. Box 292
Richland, Washington 99352
Phone: 528-0809 Fax: (509) 628-2307

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James S. Gordon, Jr., Plaintiff,
vs. Commonwealth Marketing Group, Inc., Defendant
Case No. 03-2-02677-5
:COMPLAINT

Case #: 03-2-02677-5

COMPLAINT FOR INJUNCTIVE AND ADDITIONAL RELIEF UNDER THE UNFAIR BUSINESS PRACTICES--CONSUMER PROTECTION ACT, THE COMMERCIAL ELECTRONIC MAIL STATUTE AND THE UNLAWFUL HARASSMENT STATUTE

COMES NOW, plaintiff, James S. Gordon, Jr., and brings this action against defendant named herein. Plaintiff alleges the following on information and belief:

1. JURISDICTION AND VENUE

1.1 This Complaint is filed and these proceedings are instituted under the provisions of RCW 19.86, the Unfair Business Practices--Consumer Protection Act, RCW 19.190, the Unsolicited Electronic Mail Act, and RCW 10.14, the Unlawful Harassment Statute.

1.2 Jurisdiction of the Plaintiff to commence this action is conferred by RCW 19.190.030(2).

1.3 The violations alleged herein have been and are being committed in whole or in part in Benton County, in the State of Washington by defendant named herein.

2. DEFENDANT

2.1 Commonwealth Marketing Group, Inc., is located at 1 Millenium Dr., Uniontown, PA 15401.

2.2 Defendant conducts business in Washington through unsolicited commercial electronic mail transmitted through the Internet to Washington residents.

3. NATURE OF TRADE OR COMMERCE

3.1 Defendant sells credit products and services. Defendant solicits business using unsolicited electronic mail.

3.2 Defendant sent 1,266 unsolicited emails to Plaintiff.

3.3 The electronic mail messages were designed to entice Plaintiff to believe that he would be applying for a major platinum credit card. Instead, Defendant is offering its own products and credit rather than a universally accepted credit card, such as VISA and MasterCard.

3.4 Defendant knows or has reason to know that Plaintiff is a Washington State resident. Plaintiff has sent a certified return receipt letter to Defendant.

3.5 Defendant competes with other companies in the State of Washington engaged in similar business.

4. CAUSE OF ACTION--MISLEADING SUBJECT FIELD

4.1 Plaintiff realleges Paragraphs 3.1 through 3.5 and incorporates them herein as if set forth in full.

4.2 Electronic mail programs list electronic mail messages by various components in the message header. The common components displayed are: the address in the FROM field, indicating who the message is from; the contents in the SUBJECT field, which describes the content of the message; the

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address in the TO field, indicating who the message is to. To read the entire message, the user usually must select that message in some manner and command the electronic mail program to display the entire message.

4.3 The purpose of the SUBJECT field in an electronic mail message is to describe the message's text. This enables a computer user to have discretion over whether and when to read the entire text of the message. Emergency or personal messages may take precedence over commercial messages. Similarly, work-related messages may take precedence over commercial messages.

• 4.4 Defendant's unsolicited electronic mail messages contain numerous misleading SUBJECT fields. The 133 SUBJECT fields in Defendant's electronic mail messages are:

-
- 1. Subject: PLATINUM CREDIT CARD - APPLY NOW
- 2. Subject: Get a \$7500 Platinum Card regardless of credit history.
- 3. Subject: Get A Platinum Card Now
- 4. Subject: ----- Guaranteed* Platinum! -----
- 5. Subject: \$5000 Unsecured Gold Card
- 6. Subject: \$600 Unsecured Gold Card *You* Qualify for a GOLD Card
- 7. Subject: \$6000 Unsecured Gold Card
- 8. Subject: \$7500 Platinum Card ...Get One Now
- 9. Subject: \$7500 Platinum Plus Card - Get 1 Now
- 10. Subject: \$7500 Unsecured Platinum Card
- 11. Subject: \$7500 Unsecured Platinum Card, Guaranteed
- 12. Subject: ***Establish your credit with Gold!***
- 13. Subject: ***Establish your credit with Platinum***
- 14. Subject: ***Get a \$7500 Unsecured Platinum Card***
- 15. Subject: ~~~~ Guaranteed* Platinum! ~~~~
- 16. Subject: <<<<< Guaranteed* Platinum >>>>>
- 17. Subject: ===Guaranteed* Platinum!===
- 18. Subject: >>>>>>> Guaranteed* Platinum >>>>>
- 19. Subject: 7500 unsecured card
- 20. Subject: 7500 Unsecured Platinum Card
- 21. Subject: Approval letter for you, Sum approved [\$6000]
- 22. Subject: Believe it or not, you've got Platinum offer.
- 23. Subject: Claim an Approved \$7500 Platinum Card
- 24. Subject: Congrats JAMILA! Your \$7,500 Credit Limit is Approved!
- 25. Subject: Congrats! \$7,500 Credit Limit is Approved Faye!
- 26. Subject: Congrats! \$7,500 Credit Limit is Approved James!
- 27. Subject: Congrats! \$7,500 Credit Limit is Approved JAMILA!
- 28. Subject: Congrats! \$7,500 Credit Limit is Approved JAY!
- 29. Subject: Congrats! \$7,500 Credit Limit is Approved JONATHAN!
- 30. Subject: Congrats! You Can Get a \$7500 Platinum Card!
- 31. Subject: Congrats! Your \$7,500 Credit Limit is Approved Faye!
- 32. Subject: Congrats! Your \$7,500 Credit Limit is Approved James!
- 33. Subject: Congrats! Your \$7,500 Credit Limit is Approved JAMILA!
- 34. Subject: Congrats! Your \$7,500 Credit Limit is Approved JAY!
- 35. Subject: Congrats! Your \$7,500 Credit Limit is Approved JONATHAN!
- 36. Subject: Congrats! Your Approved For a \$7500 Platinum Card!
- 37. Subject: Congratulations Your \$7500 Platinum Card is Guaranteed!
- 38. Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed!

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- 39. Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed! 1522
- 40. Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed! 9923
- 41. Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed*
- 42. Subject: Congratulations! Your \$7500 Platinum Card is Guaranteed* 10/07/03
- 43. Subject: Congratulations! Your \$7500.00 Platinum Card is Guaranteed*
- 44. Subject: Establish your credit with Platinum
- 45. Subject: Faye, get a \$7500 Platinum Card now
- 46. Subject: Faye, having trouble getting a credit card?
- 47. Subject: Faye, looking for a gold card
- 48. Subject: Faye, looking for a platinum card
- 49. Subject: Friend, having trouble getting a credit card?
- 50. Subject: Friend, looking for a platinum card
- 51. Subject: Get a \$6000.00 Unsecured Gold Credit Line!
- 52. Subject: Get a \$7500 Platinum Card for Holiday Shopping!
- 53. Subject: Get a \$7500 Platinum Card for your Christmas shopping
- 54. Subject: Get a \$7500 Platinum Card Now
- 55. Subject: Get a \$7500 Platinum Card regardless of credit history
- 56. Subject: Get a \$7500 Platinum Card regardless of credit history !
- 57. Subject: Get a \$7500 Platinum Card regardless of credit history ~
- 58. Subject: Get a \$7500 Unsecured Platinum Card
- 59. Subject: Get a \$7500 Unsecured USA Net Platinum Card... No Credit Checks
- 60. Subject: Get a 7500 Dollar Unsecured Platinum Card
- 61. Subject: Get an Unsecured Gold Card... No Credit Checks
- 62. Subject: Get an Unsecured Platinum .. No Credit Checks
- 63. Subject: Get an Unsecured Platinum Card.. No Credit Checks
- 64. Subject: Get an Unsecured Platinum Plus Card.. no Credit Checks
- 65. Subject: Get an Unsecured Platinum Plus Card..no check on your history
- 66. Subject: Get the credit you deserve
- 67. Subject: Guaranteed 7500 credit card to anyone
- 68. Subject: Guaranteed Approval
- 69. Subject: Guaranteed* \$7500 Credit Line
- 70. Subject: Guaranteed* Gold Card!
- 71. Subject: Guaranteed* Platinum!
- 72. Subject: Guaranteed* Platinum! (\$7500 Unsecured Platinum Card)
- 73. Subject: Immediate Response Needed
- 74. Subject: Is this a mistake? You have got Platinum status.
- 75. Subject: JAMES your pre-apprv line is \$2500. Well done!
- 76. Subject: JAMES, get a \$7500 Platinum Card now
- 77. Subject: James, Get a \$7500 Platinum Card regardless of credit
- 78. Subject: James, having trouble getting a credit card?
- 79. Subject: James, looking for a gold card
- 80. Subject: James, looking for a platinum card
- 81. Subject: Make\$6,000 Unsecured card
- 82. Subject: MSM - PRE-SHIPPING REPORT
- 83. Subject: MSM, You are Pre-approved* for a \$5,000 Gold Card
- 84. Subject: MSM, You may be eligible for \$7500 Credit
- 85. Subject: Need a new card?
- 86. Subject: Need credit?
- 87. Subject: Platinum Approval
- 88. Subject: PLATINUM CREDIT CARD - APPLY NOW
- 89. Subject: RE: Got Gold?

- 90. Subject: Receive a \$7500 Unsecured Platinum
 - 91. Subject: Search complete. Total credit pre-approved for JONATHAN@GORDONWORKS.COM- \$7500
 - 92. Subject: Unsecured 7500 unsecured card
 - 93. Subject: USA Platinum Card. Guaranteed Online Approval
 - 94. Subject: Wanna' get approved for a platinum Card
 - 95. Subject: We'll show you how to get top of the line credit
 - 96. Subject: What's better than a GOLD card?
 - 97. Subject: You are approved for \$6000 in credit!
 - 98. Subject: You are Pre-approved* for a \$5,000 Gold Card
 - 99. Subject: You are Pre-approved* for a 5,000 dollar Gold Card
 - 100. Subject: You Have \$7500 Approved - Start using this credit now!
 - 101. Subject: You have one card waiting
 - 102. Subject: You May Be Approved For A \$7500 Platinum Card
 - 103. Subject: You may be eligible for \$7500 Credit
 - 104. Subject: You qualify for a Gold Card
 - 105. Subject: You* Qualify for a Gold Card
 - 106. Subject: You* Qualify for a GOLD Card * \$600 Unsecured Gold Card
 - 107. Subject: You* Qualify for a GOLD Card. No Credit Checks!
 - 108. Subject: You* Qualify for a Platinum Card
 - 109. Subject: You* Qualify for a Platinum Card *\$7500 Unsecured Platinum Card
 - 110. Subject: You* Qualify for a G O L D Card ! (*Establish your credit with Gold!*)
 - 111. Subject: Your \$7500 credit line has been approved
 - 112. Subject: Your \$7500 Credit Was Approved
 - 113. Subject: Your \$7500 Platinum Card is Guaranteed*
 - 114. Subject: Your \$7500 Unsecured Credit was Approved
 - 115. Subject: Your 7500 dollar Platinum Card is Guaranteed
 - 116. Subject: Your 7500 dollar Platinum Card is Guaranteed
 - 117. Subject: Your Application for a \$7500 Platinum Card May Have Been Approved!
 - 118. Subject: Your credit may already be better than you think
 - 119. Subject: Your credit record may exceed Gold status
 - 120. Subject: Your new \$7500 credit line
 - 121. Subject: Your new Platinum credit card
 - 122. Subject: Your new Platinum credit card is ready
 - 123. Subject: Your New Pre-approved* \$5,000 Credit Card
 - 124. Subject: Your Platinum Card
 - 125. Subject: Your Platinum Credit Card (\$7,500.00)
 - 126. Subject: You're approved for \$6000 in credit
 - 127. Subject: You're Invited To Apply For a Platinu Card!
 - 128. Subject: You're Invited To Apply For a Platinum Card!
 - 129. Subject: You're Preapproved* for a 7,500 dollar Platinum Card
 - 130. Subject: Approval for your new \$2,500 credit card is just a click away!
 - 131. Subject: You Have One Card Waiting!
 - 132. Subject: Your Platinum Credit Card is Approved
 - 133. Subject: Your Platinum Credit Card is Approved
- Defendant's 133 SUBJECTs are intended to make Plaintiff believe Defendant's product is an offering from a major credit card company. Rather than being a major credit card, Defendant's offer is for its limited buying club. Defendant's electronic mail messages are advertisements featuring its buying club and the cards that are required to buy its products.

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4.5 The use of false or misleading information in the SUBJECT field of a commercial electronic mail message violates RCW 19.190.030(1)(b). Pursuant to RCW 19.190.030(2), defendant's violation of RCW 19.190.030(1)(b) constitutes a per se violation of the Consumer Protection Act, RCW 19.86.

4.6 The conduct described above constitutes unfair or deceptive acts or practices in trade or commerce and unfair methods of competition in violation of RCW 19.86.020.

4.7 Defendant's emails also misrepresent or obscure the origin or the transmission path identifying the point of origin of the message or sender. RCW 19.190.030 (1)(a) prohibits a sender from misrepresenting or obscuring any information in identifying the point of origin or the transmission path of a commercial electronic mail message.

5. CAUSE OF ACTION--INVALID ADDRESS IN FROM FIELD

5.1 Plaintiff realleges Paragraphs 4.1 through 4.7 and incorporates them herein as if set forth in full.

5.2 Electronic mail programs list electronic mail messages by various components in the message header. The common components displayed are: the address in the FROM field, indicating who the message is from; the content in the SUBJECT field, which describe the content of the message; the address in the TO field, indicating who the message is to. To read the entire message, the user usually must select that message in some manner and command the electronic mail program to display the entire message.

5.3 The purpose of the FROM field in an electronic mail message is to identify the sender of the electronic mail message. This identification helps the recipient of electronic mail decide which messages have priority for reading. Messages from acquaintances may take precedence over commercial messages. Similarly, messages from business associates may take precedence over commercial messages. A valid address in the FROM field also provides a means by which the recipient can verify the source of the information or by which to protest the receipt of unsolicited commercial electronic mail messages.

•
 • 5.4 Defendant's unsolicited electronic mail messages contain invalid addresses in the FROM field in terms of contact information for Defendant. Below, is a list of the "From" fields used by Defendant and/or Defendant's agents:

- 1. From: account security ivisiondeals@v.ew01.com
- 2. From: Platinum yourdeals@mydailydeals.net
- 3. From: USA Platinum wins@winspire.net
- 4. From: "\$7500 Credit!" credit@mygreatoffers.com
- 5. From: "7500@Ad-Freedom" ad-freedom@comcast.com
- 6. From: "Account Openings" Account_Openings_20007_pof@reply.freemx.com
- 7. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.emza.net
- 8. From: "Account Openings" Help-My-Credit.ijhopq@ijhopq.lnk2c.com
- 9. From: "Account Openings" itsimazing.552ytgu@552ytgu.emza.net
- 10. From: "Account Openings" itsimazing.552ytgu@552ytgu.lnk2c.com
- 11. From: "Accounts" Accounts-replyto-1503-958917644@lists.cool-offers.net
- 12. From: "Advisory Board" Advisory_Board-14630050@12277.Inbound.netoes.com
- 13. From: "Advisory Board" Advisory_Board-14630059@12277.Inbound.netoes.com
- 14. From: "Alex" leave-lotsolaughs-6436284C@mail.lotsolaughs.com
- 15. From: "All American" AllAmerican@firstclasstelemail.com
- 16. From: "All American" AllAmerican@telcomail.com
- 17. From: "Approvals" Approvals@bontc.com

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- 18. From: "Approvals" Approvals@firstclasstelemail.com
- 19. From: "Approvals" Approvals@telcomail.com
- 20. From: "Card Services Department" CardServicesDepartment@b0ntc.com
- 21. From: "Card Services Department" Services@telcomail.com
- 22. From: "Congratulations!" credit@mygreatoffers.com
- 23. From: "ConsumerInfo.com" consumer_info@consumerinfo.rsc02.com
- 24. From: "Craig" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 25. From: "Credit Approval Officer" tfs@r.aaaabi.com
- 26. From: "Credit Approval Officer" tfs@r.vollku.com
- 27. From: "Credit Card Approval" support@look4emails.com
- 28. From: "Credit Department" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 29. From: "Credit Department" sales-ahc@outstandingvalues.com
- 30. From: "Credit Department" sales-axjs@outstandingvalues.com
- 31. From: "Credit Department" sales-ckg@outstandingvalues.com
- 32. From: "Credit Department" sales-obfb@outstandingvalues.com
- 33. From: "Credit Department" sales-oule@outstandingvalues.com
- 34. From: "Credit Department" sales-pmpp@outstandingvalues.com
- 35. From: "Credit Department" sales-wako@outstandingvalues.com
- 36. From: "Credit Department" sales-ynow@outstandingvalues.com
- 37. From: "Credit NOW" crednow@isweeps.money.energizing.net
- 38. From: "Credit NOW" crednow@isweeps.money.restful.net
- 39. From: "Credit NOW" internet@internetsweeps.energizing.net
- 40. From: "Credit NOW" isw@breezor.net
- 41. From: "ExceptionalDeals" promotions@firstchoiceinternet.com
- 42. From: "FG4A: Guaranteed* Gold Card!" fg4a@reply.mb00.net
- 43. From: "Gold Card" GoldCard-replyto-476-487183548@lists.herorig.com
- 44. From: "Great Deals" greatdeals@webstakes.com
- 45. From: "Guaranteed Approval" mail33@mail.play4keeps.com
- 46. From: "Issuance Supervisor" Issuance@telcomail.com
- 47. From: "Issuance Supervisor" IssuanceSupervisor@b0ntc.com
- 48. From: "Issuance Supervisor" IssuanceSupervisor@bontc.com
- 49. From: "Issuance Supervisor" Supervisor@firstclasstelemail.com
- 50. From: "Issuing Authority" IssuingAuthority@btcm1.com
- 51. From: "Jay"
- 52. From: "Jay" Jay@AMERICAGARBANZO.COM
- 53. From: "Jay" Jay@CLEARSHARD.COM
- 54. From: "Jay" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 55. From: "Jeff" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 56. From: "Jen" leave-hopesforthefuture-33280780@hopesforthefuture.com
- 57. From: "Jen" leave-lotsolaughs-6436284C@mail.lotsolaughs.com
- 58. From: "Lauren"
- 59. From: "Lauren" Lauren@CARLMARCH.COM
- 60. From: "Lauren" Lauren@CONCRETEMARCH.COM
- 61. From: "Michael" 1zbzu8PooTjqt9DHBC9C6riR7iFmLq-14303@lof.reply.4o-1.com
- 62. From: "Michael" 1zZzqgxMYrvYmrs68A21wxpYN4iHjGf7@17184.reply.4o-1.com
- 63. From: "Michael" 1zZzsq7Wi15iw12GIKCB67ziXEsRwRyR-14303@lof.reply.NeToes.com
- 64. From: "Michael" amtravelers.4pviik8@4pviik8.emza.net
- 65. From: "Michael" amtravelers.4pviik8@4pviik8.ivbs.net
- 66. From: "Michael" offers4you.4p1ovj7@4p1ovj7.dj kf.net
- 67. From: "Michael" offers4you.4p1ovj7@4p1ovj7.imcid.net
- 68. From: "Michael" offerswithoutlimits@4966mgs.dj kf.net

- 69. From: "Michael" offerswithoutlimits@4966mgs.imcid.net
- 70. From: "Michael" offerswithoutlimits@4966mgs.uive.net
- 71. From: "Michael" offerswithoutlimits@djkf.net
- 72. From: "Michael" offerswithoutlimits@imcid.net
- 73. From: "Michael" offerswithoutlimits@uive.net
- 74. From: "Michael" wantmorestuff@imcid.net
- 75. From: "MovieTicketSource.com" MovieTicketSource_r-
ebbbnmuwechabm@movieticketsource.net
- 76. From: "offers" offers@mail0169253248.1-800-products.net
- 77. From: "Platinum For You" quizc@newsletter.forecastmail.com
- 78. From: "Platinum Invitation" 1717@1522.optinenterprises.com
- 79. From: "Platinum Plus" 1zayKJe33M0FLNcfibbXZSC2kPzVvNq-
14964@klted.reply.Katillist.com
- 80. From: "Pre-Approved" 113657706196382pa@bounce.mailspool.com
- 81. From: "Pre-Approved" 113657706932863pa@return.dailyemail.org
- 82. From: "Pre-Approved" 113657707669344pa@bounce.mailspool.com
- 83. From: "Pre-Approved" 113657708405825pa@sender.mailnotice.com
- 84. From: "Pre-Approved" 113657709142306pa@sendmails.com
- 85. From: "Pre-Approved" fundeals-aqqggeuc@outstandingvalues.com
- 86. From: "Pre-Approved" fundeals-bedomgld@outstandingvalues.com
- 87. From: "Pre-Approved" fundeals-bewyymjh@outstandingvalues.com
- 88. From: "Pre-Approved" fundeals-crbgapnn@outstandingvalues.com
- 89. From: "Pre-Approved" fundeals-eamdyyta@outstandingvalues.com
- 90. From: "Pre-Approved" fundeals-exyktufj@outstandingvalues.com
- 91. From: "Pre-Approved" fundeals-gxclefak@outstandingvalues.com
- 92. From: "Pre-Approved" fundeals-hwhxigow@outstandingvalues.com
- 93. From: "Pre-Approved" fundeals-iapclbqb@outstandingvalues.com
- 94. From: "Pre-Approved" fundeals-iwjlptw@outstandingvalues.com
- 95. From: "Pre-Approved" fundeals-jddsvrqn@outstandingvalues.com
- 96. From: "Pre-Approved" fundeals-kwwahnyi@outstandingvalues.com
- 97. From: "Pre-Approved" fundeals-lmosxdsp@outstandingvalues.com
- 98. From: "Pre-Approved" fundeals-lmqbtrlv@outstandingvalues.com
- 99. From: "Pre-Approved" fundeals-mlhfsfea@outstandingvalues.com
- 100. From: "Pre-Approved" fundeals-nxivsopk@outstandingvalues.com
- 101. From: "Pre-Approved" fundeals-nyaftoey@outstandingvalues.com
- 102. From: "Pre-Approved" fundeals-oarwsqjw@outstandingvalues.com
- 103. From: "Pre-Approved" fundeals-ovloxwbe@outstandingvalues.com
- 104. From: "Pre-Approved" fundeals-pgybyoht@outstandingvalues.com
- 105. From: "Pre-Approved" fundeals-pnxnpvsi@outstandingvalues.com
- 106. From: "Pre-Approved" fundeals-pyvvmodyf@outstandingvalues.com
- 107. From: "Pre-Approved" fundeals-ssyaiqyv@outstandingvalues.com
- 108. From: "Pre-Approved" fundeals-thgdotek@outstandingvalues.com
- 109. From: "Pre-Approved" fundeals-vjxsovak@outstandingvalues.com
- 110. From: "Pre-Approved" fundeals-vretuequ@outstandingvalues.com
- 111. From: "Pre-Approved" fundeals-vtcadevn@outstandingvalues.com
- 112. From: "Pre-Approved" fundeals-yhfxqrgg@outstandingvalues.com
- 113. From: "Pre-Approved" fundeals-ykduilc@outstandingvalues.com
- 114. From: "Pre-Approved" fundeals-youmrces@outstandingvalues.com
- 115. From: "Pre-Approved" fundeals-yxicxaya@outstandingvalues.com
- 116. From: "Pre-Approved" fundeals-yxvnnqox@outstandingvalues.com
- 117. From: "Pre-Approved" mail-cpkdkm@outstandingvalues.com

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- 118. From: "Pre-Approved" mail-hmtbhg@outstandingvalues.com
- 119. From: "Pre-Approved" mail-iplllhw@outstandingvalues.com
- 120. From: "Pre-Approved" mail-jkhkai@outstandingvalues.com
- 121. From: "Pre-Approved" mail-nqespk@outstandingvalues.com
- 122. From: "Pre-Approved" mail-qilfit@outstandingvalues.com
- 123. From: "Pre-Approved" mail-riuxvg@outstandingvalues.com
- 124. From: "Pre-Approved" mail-yjrame@outstandingvalues.com
- 125. From: "Pre-Approved" myshoppingfun-alu@meta-deals.com
- 126. From: "Pre-Approved" myshoppingfun-bge@meta-deals.com
- 127. From: "Pre-Approved" myshoppingfun-cav@meta-deals.com
- 128. From: "Pre-Approved" myshoppingfun-csu@meta-deals.com
- 129. From: "Pre-Approved" myshoppingfun-dui@meta-deals.com
- 130. From: "Pre-Approved" myshoppingfun-iyi@meta-deals.com
- 131. From: "Pre-Approved" myshoppingfun-nic@meta-deals.com
- 132. From: "Pre-Approved" myshoppingfun-qcp@meta-deals.com
- 133. From: "Pre-Approved" myshoppingfun-qiw@meta-deals.com
- 134. From: "Pre-Approved" myshoppingfun-qxh@meta-deals.com
- 135. From: "Pre-Approved" myshoppingfun-sox@meta-deals.com
- 136. From: "Pre-Approved" myshoppingfun-usd@meta-deals.com
- 137. From: "Pre-Approved" myshoppingfun-vkd@meta-deals.com
- 138. From: "Pre-Approved" offers-duuc@outstandingvalues.com
- 139. From: "Pre-Approved" offers-ecih@outstandingvalues.com
- 140. From: "Pre-Approved" offers-jses@outstandingvalues.com
- 141. From: "Pre-Approved" offers-nocl@outstandingvalues.com
- 142. From: "Pre-Approved" offers-pqsn@outstandingvalues.com
- 143. From: "Pre-Approved" optindeals-jp@zvv261.com
- 144. From: "Pre-Approved" optindeals-ps@zvv261.com
- 145. From: "Pre-Approved" optindeals-yn@zvv261.com
- 146. From: "Realmagnifique" Realmagnifique_bx@meta-deals.com
- 147. From: "Realmagnifique" Realmagnifique_fu@meta-deals.com
- 148. From: "Realmagnifique" Realmagnifique_hb@meta-deals.com
- 149. From: "Realmagnifique" Realmagnifique_hc@meta-deals.com
- 150. From: "Realmagnifique" Realmagnifique_hs@meta-deals.com
- 151. From: "Realmagnifique" Realmagnifique_jg@meta-deals.com
- 152. From: "Realmagnifique" Realmagnifique_ms@meta-deals.com
- 153. From: "Realmagnifique" Realmagnifique_pb@meta-deals.com
- 154. From: "Realmagnifique" Realmagnifique_us@meta-deals.com
- 155. From: "Realmagnifique" Realmagnifique_wt@meta-deals.com
- 156. From: "Realmagnifique" Realmagnifique_xi@meta-deals.com
- 157. From: "Realmagnifique" Realmagnifique_xq@meta-deals.com
- 158. From: "Realmagnifique" Realmagnifique_yh@meta-deals.com
- 159. From: "Robert" leave-lotsolaughs-6436284C@mail.lotsolaughs.com
- 160. From: "scan" leave-hopesforthefuture-3328078O@hopesforthefuture.com
- 161. From: "Search Department" Search@lrcdirect.com
- 162. From: "Status Notification" Status@firstclasstelemail.com
- 163. From: "Status Notification" Status@telcomail.com
- 164. From: "UnsecuredCreditCards" leave-officialmail-9644624N@mail2.redrockmail.com
- 165. From: "USA Platinum Card" mail34@mail.play4keeps.com
- 166. From: "USA Platinum Network Center" 1zWyDwDOZwzDXdDOQOZYXMIAXdP3eAb6a2-15001@wnt.reply.4o-1.com
- 167. From: "USA Platinum Network Center" 1zZzsSj8KdhKYdesuwonijbK9qU3X5c7-

15001@wnt.reply.4o-1.com

- 168. From: "USA Platinum Network Center" itsimazing.52rhumh@52rhumh.emza.net
- 169. From: "USA Platinum Network Center" offers4you.533rfkz@533rfkz.ivbs.net
- 170. From: "USA Platinum Network Center" offerswithoutlimits.4p1ov9p@4p1ov9p.imcid.net
- 171. From: "USA Platinum Network Center" offerswithoutlimits.4p1ov9p@4p1ov9p.djkg.net
- 172. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14930975@12488.Inbound.netoes.com
- 173. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14930959@12488.Inbound.netoes.com
- 174. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14931464@12488.Inbound.netoes.com
- 175. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14931566@12488.Inbound.netoes.com
- 176. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14931698@12488.Inbound.netoes.com
- 177. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14975723@12488.Inbound.netoes.com
- 178. From: "USA Platinum Network Center" USA_Platinum_Network_Center-14974761@12488.Inbound.netoes.com
- 179. From: "USA Platinum Network Center" USA_Platinum_Network_Center@lof.16715.reply.4o-1.com
- 180. From: "USA Platinum Network Center" USA_Platinum_Network_Center_21143_wnt@reply.freetx.com
- 181. From: "USA Platinum" americantravelers@got3m9.imcid.net
- 182. From: "USA Platinum" americantravelers@got3m9.uive.net
- 183. From: "USA Platinum" itsimazing@djkf.net
- 184. From: "USA Platinum" itsimazing@fd73h9.imcid.net
- 185. From: "USA Platinum" MoreMonthlyMoney.ilwh4z@ilwh4z.emza.net
- 186. From: "USA Platinum" MoreMonthlyMoney.ilwh4z@ilwh4z.ivbs.net
- 187. From: "USA Platinum" MoreMonthlyMoney.ilwh4z@ilwh4z.ivbs.net
- 188. From: "USA Platinum" offers4you@got43p.djkf.net
- 189. From: "USA Platinum" offerswithoutlimits@got4cs.uive.net
- 190. From: "USA Platinum" USA_Platinum_19480_lof@reply.freetx.com
- 191. From: "USA Platinum" USA_Platinum_20313_owl@reply.freetx.com
- 192. From: "USA Platinum" USA_Platinum_20316_ofu@reply.freetx.com
- 193. From: "USA Platinum" USA_Platinum_20447_wnt@reply.freetx.com
- 194. From: "USA Platinum" USA_Platinum_21759_qco@reply.freetx.com
- 195. From: "USA Platinum" USA_Platinum-13118471@11293.inbound.netoes.com
- 196. From: "USA Platinum" USA_Platinum-14202531@12003.Inbound.netoes.com
- 197. From: "USA Platinum" USA_Platinum-14202539@12003.Inbound.netoes.com
- 198. From: "USA Platinum" USA_Platinum-14629924@12270.Inbound.netoes.com
- 199. From: "USA Platinum" USA_Platinum-14629931@12270.Inbound.netoes.com
- 200. From: "USA Platinum" USA_Platinum-14653060@12270.Inbound.netoes.com
- 201. From: "USA Platinum" USAPlatinum@firstclasstelemail.com
- 202. From: "USA Platinum" wantmorestuff@uive.net
- 203. From: \$600 Unsecured Gold Card hey2@r.zzzzbi.com
- 204. From: \$600 Unsecured Gold Card heywhatzup2@r.ojmail01.com
- 205. From: \$600 Unsecured GOLD heywhatzup2@r.ojmail01.com
- 206. From: \$7500 Unsecured Platinum Card amazingprizes@17.postnote.com
- 207. From: \$7500 Unsecured Platinum Card luckystuff@09.postnote.com
- 208. From: \$7500 Unsecured Platinum Card swelldeals@lists.postlite.com

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- 209. From: == You* Qualify == cpsav2@r.ospel.com
- 210. From: 102-33953-103708@b.sw03.com
- 211. From: 102-33953-103720@b.sw03.com
- 212. From: 102-33953-23168@b.sw03.com
- 213. From: 102-33953-59556@b.sw03.com
- 214. From: 102-33953-94114@b.sw03.com
- 215. From: 139710320.USAPLATINUMPLUSA1@bounce.iexpect.com
- 216. From: 139710320.USAPLATINUMPLUSA2@bounce.iexpect.com
- 217. From: 139710320.USAPLATINUMPLUSA2@bounce.MailDealz.com
- 218. From: 140384010.USAPLATINUMPLUSA1@bounce.iexpect.com
- 219. From: 140384010.USAPLATINUMPLUSA2@bounce.iexpect.com
- 220. From: 140674219.USAPLATINUMPLUSA1@bounce.iexpect.com
- 221. From: 140674219.USAPLATINUMPLUSA2@bounce.iexpect.com
- 222. From: 140858392.USAPLATINUMPLUSA1@bounce.iexpect.com
- 223. From: 140858392.USAPLATINUMPLUSA2@bounce.iexpect.com
- 224. From: 140858515.USAPLATINUMPLUSA1@bounce.iexpect.com
- 225. From: 140858515.USAPLATINUMPLUSA2@bounce.iexpect.com
- 226. From: 1-725_1-56073-875576@b.ovviuu.com
- 227. From: 1-725_1-56073-894415@b.ovviuu.com
- 228. From: 1-725_1-56073-898616@b.ovviuu.com
- 229. From: 1-725_1-56073-979553@b.ovviuu.com
- 230. From: 1-726-52881-119091@b.eqwel.com
- 231. From: 1-726-52881-152883@b.eqwel.com
- 232. From: 1-726-52881-162277@b.eqwel.com
- 233. From: 1-726-52881-162289@b.eqwel.com
- 234. From: 1-726-52881-83368@b.eqwel.com
- 235. From: 1-726-53634-119091@b.eqwel.com
- 236. From: 1-726-53634-152883@b.eqwel.com
- 237. From: 1-726-53634-162277@b.eqwel.com
- 238. From: 1-726-53634-162289@b.eqwel.com
- 239. From: 1-726-53634-83368@b.eqwel.com
- 240. From: 1-726-54831-119091@b.mailatc.com
- 241. From: 1-726-54831-152883@b.mailatc.com
- 242. From: 1-726-54831-162277@b.mailatc.com
- 243. From: 1-726-54831-162289@b.mailatc.com
- 244. From: 1-726-54831-83368@b.mailatc.com
- 245. From: 1-726-55409-119091@b.mailatc.com
- 246. From: 1-726-55409-152883@b.mailatc.com
- 247. From: 1-726-55409-162277@b.mailatc.com
- 248. From: 1-726-55409-162289@b.mailatc.com
- 249. From: 1-726-55409-83368@b.mailatc.com
- 250. From: 1-728-53344-103048@b.ospel.com
- 251. From: 1-728-53344-103060@b.ospel.com
- 252. From: 1-728-53344-23026@b.ospel.com
- 253. From: 1-728-53344-59189@b.ospel.com
- 254. From: 1-728-53344-93541@b.ospel.com
- 255. From: 1-728-54121-103048@b.ospel.com
- 256. From: 1-728-54121-103060@b.ospel.com
- 257. From: 1-728-54121-23026@b.ospel.com
- 258. From: 1-728-54121-59189@b.ospel.com
- 259. From: 1-728-54121-93541@b.ospel.com

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- 260. From: 1-728-54226-103048@b.ospel.com
- 261. From: 1-728-54226-103060@b.ospel.com
- 262. From: 1-728-54226-23026@b.ospel.com
- 263. From: 1-728-54226-59189@b.ospel.com
- 264. From: 1-728-54226-93541@b.ospel.com
- 265. From: 1-728-54766-103048@b.ojmail01.com
- 266. From: 1-728-54766-103060@b.ojmail01.com
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- 270. From: 1-728-54800-103048@b.ojmail01.com
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- 273. From: 1-728-54800-59189@b.ojmail01.com
- 274. From: 1-728-54800-93541@b.ojmail01.com
- 275. From: 1-729-55155-103048@b.ospel.com
- 276. From: 1-729-55155-103060@b.ospel.com
- 277. From: 1-729-55155-23026@b.ospel.com
- 278. From: 1-729-55155-59189@b.ospel.com
- 279. From: 1-729-55155-93541@b.ospel.com
- 280. From: 2-102-34546-103708@b.zzzzbi.com
- 281. From: 2-102-34546-103720@b.zzzzbi.com
- 282. From: 2-102-34546-23168@b.zzzzbi.com
- 283. From: 2-102-34546-59556@b.zzzzbi.com
- 284. From: 2-102-34546-94114@b.zzzzbi.com
- 285. From: 2-102-35208-103708@b.fmwiwo.com
- 286. From: 2-102-35208-103720@b.fmwiwo.com
- 287. From: 2-102-35208-23168@b.fmwiwo.com
- 288. From: 2-102-35208-59556@b.fmwiwo.com
- 289. From: 2-102-35208-94114@b.fmwiwo.com
- 290. From: 7500 Credit credit7500@cw69.com
- 291. From: Apply now 1062961209058@mailserver2.iexpect.com
- 292. From: Apply now 1062961209721@mailserver2.iexpect.com
- 293. From: Apply Now 1063479605636@mailserver2.iexpect.com
- 294. From: Apply Now 1063479606757@mailserver2.iexpect.com
- 295. From: Apply Now 1063479607058@mailserver2.iexpect.com
- 296. From: Apply Now 1063661250990@mailserver2.iexpect.com
- 297. From: Apply Now 1063661297468@mailserver2.iexpect.com
- 298. From: Apply Now 1063661341558@mailserver2.iexpect.com
- 299. From: Apply now 1064170805779@mailserver2.iexpect.com
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- 303. From: Apply Now 1064689210365@mailserver2.iexpect.com
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- 305. From: Apply Now 1065041106777@mailserver2.iexpect.com
- 306. From: Apply Now 1065041178442@mailserver2.iexpect.com
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- 308. From: Apply now 1065380409989@mailserver2.iexpect.com
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- 310. From: Apply now 1065395232911@mailserver2.iexpect.com

- 311. From: Apply Now 1065634415919@mailserver2.iexpect.com
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- 316. From: Apply Now 1065812480894@mailserver2.iexpect.com
- 317. From: Apply Now 1065812483349@mailserver2.iexpect.com
- 318. From: Apply Now 1065812547653@mailserver2.iexpect.com
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- 321. From: Apply Now 1066503607335@mailserver2.iexpect.com
- 322. From: Apply now 1067633624953@mailserver2.iexpect.com
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- 324. From: Apply now 1067633649189@mailserver2.iexpect.com
- 325. From: Apply now 1067633651506@mailserver2.iexpect.com
- 326. From: Apply now 1067634046022@mailserver2.iexpect.com
- 327. From: Apply Now 1069098061219@mailserver2.iexpect.com
- 328. From: Apply now 1069266933417@mailserver2.iexpect.com
- 329. From: Apply now 1069266934093@mailserver2.iexpect.com
- 330. From: Apply now 1069277060576@mailserver2.iexpect.com
- 331. From: Apply now 1069277060876@mailserver2.iexpect.com
- 332. From: Apply Now AdvantageZone _____r-bgrzrhievhk@advantage-zone.com
- 333. From: Apply Now AdvantageZone _____r-cgeuoibacnlai@advantage-zone.com
- 334. From: Apply Now AdvantageZone _____r-cgoohoaeacalu@advantage-zone.com
- 335. From: Apply Now AdvantageZone _____r-fgxxdxarayvvgm@advantage-zone.com
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- 347. From: Apply Now AdvantageZone _____r-zmaawsbvtfpftt@advantage-zone.com
- 348. From: Apply Now BargainADay _____r-bgigrehimuzrv@Bargainaday.com
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- 361. From: Apply Now deal3256909@dealmode.com

- 362. From: Apply Now deal6356118@dealmode.com
- 363. From: Apply Now deal6487403@dealmode.com
- 364. From: Apply Now deal6546363@dealmode.com
- 365. From: Apply Now deal6550341@dealmode.com
- 366. From: Apply Now DealsByDay_____ r-arlruyjlkmvtk@dealsbyday.com
- 367. From: Apply Now DealsByDay_____ r-enbbubhmhcwrtm@dealsbyday.com
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- 371. From: Apply Now DealsByDay_____ r-nuddodpnprruu@dealsbyday.com
- 372. From: Apply Now DealsByDay_____ r-oniimiopogaixa@dealsbyday.com
- 373. From: Apply Now DealsByDay_____ r-rwssasgzgvlmem@dealsbyday.com
- 374. From: Apply Now DealsByDay_____ r-xeccwcaramawc@dealsbyday.com
- 375. From: Apply Now TheBigDaily_____ r-cgeeuoibacnboi@TheBigDaily.com
- 376. From: Apply Now TheBigDaily_____ r-cgeeuoibacnlao@TheBigDaily.com
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- 389. From: Apply Now TheBigDaily_____ r-xerkcbsamzwac@TheBigDaily.com
- 390. From: Approved now gifts2@r.fmwivo.com
- 391. From: Approved now gifts2@r.wow-offer.com
- 392. From: Approval Department approval@90210salt.com
- 393. From: Approval Department ow@mx15.domesticlists.com
- 394. From: Approval Department PDmail@reply.mb00.net
- 395. From: Approval Department specialoffers@lists.presentlink.com
- 396. From: Approval Notice approval@29sspretz.com
- 397. From: Approval Notice cpsav2@r.qqqqbi.com
- 398. From: Approval Notice custoomer_service@9384salt.com
- 399. From: Approval Notice custoomer_service@zel394pret.com
- 400. From: Approval Notice emailprize@lists.presentlink.com
- 401. From: Approval Notice homefree@reply.mb00.net
- 402. From: Approval notice r-14965721-234@creditgiftmail.com
- 403. From: Approval notice r-53809865-4304@hpyjwdjbp.yfdjack.com
- 404. From: Approval Notice wincashcentral2@reply.mb00.net
- 405. From: Approval* Notice gramopc@the.poidy.com
- 406. From: Approved ylpoint@mail1.financesol.com
- 407. From: Approved ylpoint@mail1.globalpmnet.com
- 408. From: Approved ylpoint@mail2.globalpmnet.com
- 409. From: Approved ylpoint@mail2.realestatenotif.com
- 410. From: Approved ylpoint@mail3.financesol.com
- 411. From: Approved ylpoint@mail3.globalpmnet.com
- 412. From: Approved ylpoint@mail3.realestatenotif.com

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- 413. From: Approved ylpoint@mail4.financesol.com
- 414. From: Approved ylpoint@mail4.realestatenotif.com
- 415. From: barbells@unsure.nj45.com
- 416. From: bounce-hyppjpkbktssyyb@Bargainaday.com
- 417. From: bounce-MSG_12411180-15188899-@msg.09302tw.com
- 418. From: bounce-MSG_12411180-15188925-@msg.09302tw.com
- 419. From: bounce-xerrkcsbamzeer@Bargainaday.com
- 420. From: Buyers Advantage BuyersAdvantage@c.ss01.net
- 421. From: Buyers Advantage BuyersAdvantage@e.ew01.com
- 422. From: Buyers Advantage BuyersAdvantage@e.ss01.net
- 423. From: Buyers Advantage BuyersAdvantage@h.ew01.com
- 424. From: Buyers Advantage BuyersAdvantage@j.ew01.com
- 425. From: Buyers Advantage BuyersAdvantage@k.ew01.com
- 426. From: Buyers Advantage BuyersAdvantage@u.ew01.com
- 427. From: Buyers Advantage BuyersAdvantage@w.ew01.com
- 428. From: campaign-1550696-545771@lists.mastermailings.com
- 429. From: campaign-2265331-545771@lists.mastermailings.com
- 430. From: campaign-2265331-731214@lists.mastermailings.com
- 431. From: campaign-2265331-879362@lists.mastermailings.com
- 432. From: Card Approvals card@702pprez.com
- 433. From: Card Department bciprize@reply.mb00.net
- 434. From: Confirmation Notice confirmation@pp2092reze.com
- 435. From: Confirmation Required custoomer_service@738lme.com
- 436. From: Congratulations fsc2@r.getcoupondeals.com
- 437. From: Congratulations fsc2@r.iqwel.com
- 438. From: Congratulations fsc2@r.orangejuicemail.com
- 439. From: Congratulations fsc2@r.ovviuu.com
- 440. From: Congratulations r-14965721-173@creditgiftmail.com
- 441. From: Congratulations r-14965721-213@creditgiftmail.com
- 442. From: Congratulations r-53809865-4417@gekzqdzje.yfdjack.com
- 443. From: Congratulations stellaroffers@lists.postlite.com
- 444. From: Congratulations yvmbjzbwvxpvvj@dgawcywqg.yfdvdsmail.com
- 445. From: Credit Department cedeals@ruminates.com
- 446. From: Credit non-existent? cpsav2@r.ospel.com
- 447. From: Digitaldraft Digitaldraft1772741@digitaldraft.com
- 448. From: Digitaldraft Digitaldraft1896988@digitaldraft.com
- 449. From: Establish Credit k28I6kIrFgv@rb21ex.com
- 450. From: Establish Credit k28I6kIrFgv@rb21ex.com
- 451. From: Establish Your Credit ccard@rb25ex.com
- 452. From: Establish your credit creditcard@rb25ex.com
- 453. From: Establish your Credit DHiKYQ5GyhF@rb23ex.com
- 454. From: Establish Your Credit offerbin@lists.postlite.com
- 455. From: Final notice r-14965721-204@yourgiftcardsmail.com
- 456. From: Final notice r-53809865-3865@yfdjack.com
- 457. From: Final notice r-53809865-4041@coghilheo.yfdjack.com
- 458. From: Fireball Mail r-36873987-1969@zmapwmpw.irresistiblemail.com
- 459. From: Get Gold gifts2@r.fmwivo.com
- 460. From: Get Platinum usaplatthree@getsmail.com
- 461. From: Go platinum reports@imo1.net
- 462. From: Go platinum reports@myobdeals.com
- 463. From: Gold Member goldmember@04.postnote.com

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- 464. From: Got gold? gfts2@r.xxxxbi.com
- 465. From: Got platinum? reports@imol.com
- 466. From: Got platinum? reports@in-f01.com
- 467. From: Got platinum? reports@mobd01.com
- 468. From: Guaranteed Approval bzxfhsehr@greatmailrewards.com
- 469. From: Guaranteed Approval F5oDm6PIN2g@dailyspectacular.com
- 470. From: Guaranteed Approval MgIOyVia3qr@rb21ex.com
- 471. From: Guaranteed Platinum guaranteed@pp2092reze.com
- 472. From: Guareenteed Credit getfreepperfume@reply.mb00.net
- 473. From: Important Notice important@90210salt.com
- 474. From: Instant Platinum Credit InstantPlatinumCredit70450154@simplesuggestions.com
- 475. From: Invitation Notice invitation@09302tw.com
- 476. From: lures@rod.nj45.com
- 477. From: Mike Hot-Dealz _____r-daqqlgczvhjwq@hot-dealz.com
- 478. From: Mike Hot-Dealz _____r-ifttbigagmcgba@hot-dealz.com
- 479. From: MTS Credit Office MTS_Credit_Office_r-ittfabcdmgffe@movieticketsource.net
- 480. From: MTS e-Deals MTS_e-Deals _____r-jjjjvpkdgcxcas@movieticketsource.net
- 481. From: Need 1 for weekend cpsav2@r.ospel.com
- 482. From: Need credit? ccoffer@rb25ex.com
- 483. From: offerswow-return-160@lists.postlite.com
- 484. From: out@bfiesta01.com (Approval Department)
- 485. From: out@bpick02.net (Approval Dept.)
- 486. From: pdupdate-return-150@lists.servitall.com
- 487. From: Platinum Acceptance custoomer_service@zel394pret.com
- 488. From: Platinum Acceptance platinum@702pprez.com
- 489. From: Platinum Approval custoomer_service@738lme.com
- 490. From: Platinum Approval papproval@29sspretz.com
- 491. From: Platinum Approval pltainum@702pprez.com
- 492. From: Platinum Card uroffers@your-offers.com
- 493. From: Platinum Invitation premiumsread@nr.mastermailings.com
- 494. From: Platinum Platinum@drd1mail.com
- 495. From: Platinum Platinum@OFFERAVENUE.COM
- 496. From: Platinum Platinum@ofmsvr.com
- 497. From: Platinum Platinum@svnsvr.com
- 498. From: Platinum Reward gramopc@the.inraw.com
- 499. From: Platinum_Plus 1394.6660914@I-JST5.com
- 500. From: Platinum_Plus 1394.6663468@I-JST5.com
- 501. From: Platinum_Plus emailoffer@list.world-wideent.com
- 502. From: PlatinumCreditCards office@officialadvertisements.com
- 503. From: Pre-Approved editor-iyldwascdmvvpv@caymans.responsego.com
- 504. From: Pre-Approved editor-uvqlfuyemxvvd@maui.dlnetwork.net
- 505. From: S U P E R krisyau2@r.eqwel.com
- 506. From: SamplesPlaza samplesplaza@reply.mb00.net
- 507. From: Short on Cash? ShortonCash_928753@www-central.com
- 508. From: SmilePop updates8053@smilepop.com
- 509. From: SmilePop updates9131@smilepop.com
- 510. From: Summer Fun SummerFun@03.brightermail.com
- 511. From: Summer Fun SummerFun@09.blurocketonline.com
- 512. From: swelldeals-return-1506@lists.postlite.com
- 513. From: Unsecured Credit Card 6nkyWObzNGy@samevalues.com
- 514. From: Unsecured Credit Offer a7RAPcWFUv@exgon.com

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- 515. From: Unsecured Platinum 62ZzjyMvfQI@exgon.com
- 516. From: Unsecured Platinum ratetwo@edailymail.com
- 517. From: updates448@pages.wotch.com
- 518. From: Urgent Message urgent@90210salt.com
- 519. From: Urgent Message urgent@przt9230el.com
- 520. From: Urgent Notice urgent@pp2092reze.com
- 521. From: USA Platinum activaral01@the.krawa.com
- 522. From: USA Platinum amtrav@45569456.com
- 523. From: USA Platinum Card 1388-150994-unsubscribe@aswediscussed.com
- 524. From: USA Platinum Card 1388-150996-unsubscribe@aswediscussed.com
- 525. From: USA Platinum Card click4s902239@right-finds.com
- 526. From: USA Platinum Card ow@mx13.listbatch.com
- 527. From: USA Platinum Card uroffers@your-offers.com
- 528. From: USA Platinum Card USAPlatinumCard@leadbullet.net
- 529. From: USA Platinum Card USAPlatinumCard@winspire.net
- 530. From: USA Platinum Card USAPlatinumCard1772741@wingshot.net
- 531. From: USA Platinum Card USAPlatinumCard1896988@wingshot.net
- 532. From: USA Platinum click4s@clickforspecials.com
- 533. From: USA Platinum Network Center amtrav@45569456.com
- 534. From: USA Platinum PlatinumCard@friendlymail.net
- 535. From: USA Platinum r-106594268-6489@uqawbpgpjwf.at133.com
- 536. From: USA Platinum r-106650935-6489@avtluteru.at133.com
- 537. From: USA Platinum r-106870460-6489@xbsrwksars.at133.com
- 538. From: USA Platinum r-106870536-6489@zvbpwbsma.at133.com
- 539. From: USA Platinum r-195296814-8310@interactivemktg-corp.com
- 540. From: USA Platinum r-195296814-8601@zvnfnapvt.interactivemktg-corp.com
- 541. From: USA Platinum USAPlatinum@clomail.com
- 542. From: USA Platinum usaplatinum@fpc-mail.com
- 543. From: USA Platinum UsaPlatinum@majortask.net
- 544. From: USA scaoffers@mx01.dealfinders.net
- 545. From: Want gold? luckyprizes@reply.mb00.net
- 546. From: You* Qualify for a Platinum Card heywhatzup2@r.ojmail01.com
- 547. From: You* Qualify for it cpsav2@r.ospe1.com
- 548. From: You* Qualify gift4credit@reply.mb00.net
- 549. From: Your Credit offerswow@lists.postlite.com
- 550. From: Your New Card NFDaily@reply.mb00.net
- 551. From: You've been selected cpsav2@r.ospe1.com

Defendant has used 551 different email "From" addresses in its communications with Plaintiff. Plaintiff has no clear choice of email addresses to respond to request the cessation of the unsolicited commercial emails. The volume of email from Defendant shifts an onerous burden on Plaintiff in terms of the time required to respond to each of the 1,266 total email messages sent by Defendant to Plaintiff. By responding to an email wherein the principal is not reached, Plaintiff would be verifying its valid email addresses to a marketing agent who can then send additional unsolicited email to Plaintiff from many other principals. Plaintiff chose to go directly to the source of the emails rather than contact hundreds of marketing agents. Defendant failed to acknowledge or respond to Plaintiff's request to end the unsolicited email.

5.5 The use of false, misleading, or missing information in the FROM field of a commercial electronic mail message violates RCW 19.190.030(1)(b). Pursuant to RCW 19.190.030(2), defendant's violations of RCW 19.190.030(1)(b) constitute a per se violation of the Consumer Protection Act, RCW 19.86. 5.6

The conduct described above constitutes unfair or deceptive acts or practices in trade or commerce and unfair methods of competition in violation of RCW 19.86.020.

6. UNLAWFUL HARASSMENT

6.1 Defendant has knowingly and willfully engaged in a course of conduct, which has annoyed and harassed Plaintiff contrary to the prohibitions contained in RCW 10.14.020.

6.2 Defendant received a certified return receipt letter from Plaintiff on September 2, 2003. Plaintiff's letter was a demand for damages wherein Defendant was advised that its emails were sent in violation of RCW 19.190. Defendant was, also, advised that Plaintiff's email address was registered in Washington's Association of Internet Service Providers' (WAISP) database. The registry is one of several ways Washington E-mail address holders can protect themselves under Washington's Unsolicited Commercial E-Mail law, which prohibits sending commercial E-mail with false or forged headers or misleading subject lines according WAISP.

6.3 Subsequent to the receipt of Plaintiff's letter by Defendant, Defendant has sent an additional 1196 emails to Plaintiff. These 1196 emails were sent during the period of September 6, 2003 through December 11, 2003 (96 days). Prior to Plaintiff's letter to Defendant, Plaintiff received an average of two emails per day from Defendant. After Defendant's receipt of Plaintiff's letter, Plaintiff received an average of 12 emails per day from Defendant.

6.4 Defendant's emails to Plaintiff after the receipt of Plaintiff's demand for damages, served no legitimate or lawful purpose other than to annoy and harass Plaintiff and is in violation of RCW 10.14.030(1)(2)(3).

7. PRAYER FOR RELIEF

7.1 Plaintiff, James S. Gordon, Jr., prays for relief as follows:

7.2 That the Court adjudge and decree that defendant has engaged in the conduct complained of herein.

7.3 That the Court adjudge and decree that the conduct complained of in Paragraphs 4.4 and 5.4 constitutes violations of the Commercial Electronic Mail Statute, Chapter 19.190 RCW, and pursuant to RCW 19.190.030(2) constitutes per se violations of the Consumer Protection Act, Chapter 19.86 RCW.

7.4 That the Court adjudge and decree that the conduct complained of in Paragraphs 3.1 through 5.6 constitutes unfair or deceptive acts or practices and unfair methods of competition in violation of the Consumer Protection Act, Chapter 19.86 RCW.

7.5 That the Court adjudge and decree that the conduct complained of in Paragraphs 6.1 through 6.4 constitutes unlawful harassment and is in violation of RCW 10.14.030(1)(2)(3).

7.6 That the Court issue a permanent injunction enjoining and restraining defendant and his representatives, successors, assigns, officers, agents, servants, employees, and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with defendant from continuing or engaging in the unlawful conduct complained of herein.

7.7 That the Court assess civil penalties, pursuant to 19.190.040(1) of five hundred dollars (\$500) per violation against defendant for each and every one of the 1266 violations of RCW 19.86.020 caused by the conduct complained of herein.

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7.8 That the Court make such orders pursuant to RCW 19.86.080 as it deems appropriate to provide for restitution to Plaintiff of money or property acquired by defendant as a result of the conduct complained of herein.

7.9 That the Court make such orders pursuant to RCW 19.86.080 to provide that Plaintiff have and recover from defendant the costs of this action, including reasonable attorney's fees.

7.10 That the Court order such other relief as it may deem just and proper to fully and effectively dissipate the effects of the conduct complained of herein, or which may otherwise seem proper to the Court.

Dated this _____ day of _____, 2003. _____

JAMES S. GORDON, JR. Plaintiff

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Local telemarketer embroiled in controversy again, this time over spam

Sunday, January 04, 2004

By Torsten Ove, Pittsburgh Post-Gazette

"James, having trouble getting a credit card?"

"James, get a \$7,500 Platinum Card now."

"James, your pre-approv line is \$2,500. Well done!"

These e-mails were among 1,266 messages Jim Gordon of Washington state received last year on his home computer from Commonwealth Marketing Group Inc., of Hopwood in Fayette County.

In short, Gordon says, he was getting spammed. But instead of hitting the delete key again and again, he decided to take action. Like an increasing number of irritated spam recipients nationwide, he sued Commonwealth under his state's anti-spam law.

In a complaint filed last month in a Washington state court, Gordon said he wants CMG to pay him \$500 for each piece of spam he received, or more than \$600,000. He wants three other companies that have spammed him to pay up, too. "My motivation is to get this spam stopped," he said last week from his home in Richland, Wash. "I sent them a letter saying stop. And they didn't."

CMG, a telemarketing firm whose history includes a fraud prosecution by the Criminal Investigation Division of the IRS and a Federal Trade Commission suit over "false and misleading representations," contends that if anyone is being wronged, it's CMG. It says Gordon's actions amount to a spam-scam, citing not only the lawsuit but a letter Gordon originally sent to it in August demanding that the company pay him more than \$10,000 or he would sue.

"This guy has requested e-mails from us," said CMG Chief Executive Officer Robert E. Kane, whose partner, former CMG President Fred Zeigler, is in federal prison for tax violations and a credit card scheme that prosecutors said directly involved Kane. "Our computers are programmed to identify him. It's a shakedown. It happens all the time. We probably get one or two of these a week."

Companies such as CMG and its ilk may soon have to confront another potential nemesis, with the federal government joining the spam wars as of Jan. 1.

Under the CAN-SPAM Act of 2003, signed into law last month by President Bush, Internet service providers, state attorneys general and federal agencies can pursue

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Exhibit # 5

spammers in federal courts with criminal and civil penalties. Until now, the spam wars have been fought in the 36 states that have anti-spam laws, including Pennsylvania.

The new law prohibits the use of false header information in commercial e-mail and requires unsolicited messages to include opt-out instructions. It also provides a protection against spam containing unmarked pornographic material. Penalties for violations include jail time up to five years and fines of up to \$6 million.

In addition, the new law authorizes the FTC to set up a "Do Not Spam" registry of Internet users similar to the agency's "Do Not Call" telemarketing list.

But while the law gives federal agencies teeth in going after spammers, it has also come under criticism for what it doesn't do.

Spam-haters such as the Coalition Against Unsolicited Commercial E-Mail say the new law is a paper tiger, especially because it pre-empts tougher state laws that would outlaw all e-mail advertising or "junk" e-mail.

"This law does not stop a single spam from being sent. It only makes that spam slightly more truthful," said coalition chairman Scott Hazen Mueller on the organization's Web site. "It also gives a federal stamp of approval for every legitimate marketer in the U.S. to start using unsolicited e-mail as a marketing tool."

CAN-SPAM also doesn't allow individuals to sue for damages on their own, requiring them instead to contact the FTC or their state attorney general.

That doesn't mean, however, that spammers are off the hook in the state courts. The federal law does not pre-empt state laws that prohibit the sending of deceptive or misleading e-mails.

Pennsylvania's law does that.

So does Washington's, where deception is at the heart of Gordon's suit against CMG.

He said the company's messages were "designed to entice" him to believe that he was applying for a major credit card. Instead, he said, CMG was offering its own products and credit rather than a universally accepted credit card such as MasterCard or VISA.

"When you open the e-mail," he said, "it's nothing but a buying club where you are buying their products."

To cover his bets, Gordon's suit against CMG also was filed under two other Washington laws governing unfair business practices and harassment.

Gordon's suit alleges that CMG's e-mails didn't have valid addresses as the law states they must. He said the messages he received came from 551 different senders, which he eventually traced to Kane's company.

Rather than try to respond to the e-mails, which he knew would result in many more messages, Gordon sent what lawyers often call a "demand" letter to CMG on Aug. 28 saying he had received 27 unsolicited e-mails from the company.

Under Washington law, a recipient can pursue up to \$500 in damages per violation.

He asked CMG to send him a check for \$10,800, or \$400 for each e-mail, which he said he would bump up to \$500 if CMG didn't pay within a few weeks. He also threatened to contact Washington's attorney general, who he said could sue for up to

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\$2,000 a violation.

That kind of letter isn't illegal, but it's definitely playing hardball. In addition, the tone of the letter indicates that Gordon is after money, not just an end to the e-mails. Nowhere does it simply ask for CMG to stop sending them.

"Please send \$10,800 -- \$400 times 27 separate offenses, payable by cashier's check to me at the address above," the letter reads. "If payment has not been received by 5 p.m. on Sept. 12, 2003, I will conclude that an out-of-court settlement is not possible."

Even so, Gordon scoffed at the company's retort that he was the one pulling a scam.

"They can say whatever they want," he said. "There's no scam involved. They are violating the law. I am so looking forward to my day in court."

Gordon noted, for example, that CMG responded to his August letter by sending him even more e-mails. Between Sept. 6 and Dec. 11, he said, he received 1,196 of them, sometimes as many as 12 a day.

Last week, he said, he was still receiving them even though he said a county judge in Washington had imposed a temporary restraining order on CMG.

CMG, which has been represented in the past by former U.S. attorneys Fred Thiemann and J. Alan Johnson, says it isn't about to give in to Gordon's complaint.

"It is totally meritless," said Kane, who denies that the subject lines of his e-mails are deceptive. "There's not a shred of truth in it."

Among his defenses is his claim that he recently called Gordon's home and spoke to his 25-year-old son, who he said admitted accessing the CMG Web site and soliciting the e-mails. Kane said Gordon's son is a felon who has convictions for forgery and similar offenses.

Gordon, 52, who describes himself as a full-time doctoral student, doesn't deny that his son has a criminal record. But he said neither his son nor his wife have access to his domain name on the Internet, to which the e-mails were sent. He said he himself has no history of fraud.

"They can check every municipality, they can check with Interpol if they want," he said. "They won't find anything on me. They don't have a defense for this, so they have to do something else."

One police officer who has dealt with Gordon said the man is genuinely angry at being spammed.

"He's just fed up with all the stuff coming over the computer," said Lew Reed, a detective with the police department in Richland, a town of 50,000 about 100 miles from Spokane.

Reed got involved with Gordon after Gordon said a spammer was sending him child pornography. Reed has been trying to track down the source.

"He's just fired up because he's being swamped with this stuff," he said of Gordon. "He's legitimate."

Gordon takes particular exception to Kane's accusations that he's a scammer because, as he points out, CMG has been accused of deception before.

In May, Zeigler, of Chalk Hill, who is still listed as president in state records, was sentenced to 15 months in federal prison for filing false income tax returns and bank fraud related to the business.

For the tax years of 1995 and 1996, Zeigler claimed that a number of personal purchases, including a boat and taxidermy work done on a bear he killed in Alaska, were business expenditures.

The bank fraud case covered the period of July 1996 through March 1997, during which CMG was selling vacation packages through telemarketing centers around the country using Ricardo Montalban and Robin Leach as pitchmen.

Kane was not charged in that case. But according to an IRS search warrant affidavit and Zeigler's plea hearing last year in U.S. District Court, he was involved in a credit card scheme with Zeigler that preyed on low-income customers.

According to the documents, Zeigler and Kane entered into an agreement with Orchard Bank in Portland, Ore., to market a Visa card along with vacation packages to the Bahamas and elsewhere.

The target market was people with bad credit who couldn't afford the vacations. Despite their low incomes, CMG enticed them to charge the vacations to the new credit cards, but didn't tell them the credit limits were so low that once the vacations were charged, the consumers were left with about \$13 of credit.

The first time those customers tried to use the credit cards, they were rejected. The bank eventually terminated its participation with CMG after auditors determined that the company was sending cards to people who didn't want them and inflating customers' incomes.

Kane said Zeigler's incarceration and other cases surrounding CMG have nothing to do with the firm's current operations or Gordon's lawsuit. "We have nothing to hide," he said.

(Torsten Ove can be reached at tove@post-gazette.com or 412-263-2620.)

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Formation of ICPAL

Anti-Spammers on Attack
By Susan Kuchinskas
September 24, 2004

While many anti-spam activists decried the national CAN-SPAM Act legislation, a number of other anti-spam individuals and business owners decided to get busy.

The Informal Coalition of Private Anti-spam Litigants (ICPAL) is perhaps the first quasi-official manifestation of a new front in the war on spam. Call it hand-to-hand combat: They're using old-fashioned property and trademark law to win judgments with arguments that non-technical judges can understand.

Achieve Superior Vision Into Your Network With These Resources from Fluke Networks.

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WHITEPAPER VLAN Best Practices Optimize VLAN performance. Learn about VLAN challenges, best practices, VLAN tags and tagging technologies, maintaining VLANs and more.

ICPAL is comprised of attorneys, a couple of local ISPs, an anti-spam software developer and several activists with dozens of successful small claims actions under their belts. And it plans to file hundreds more.

Nor are the feds sitting on their hands. Recently, Operation Slam Spam, a partnership between the Direct Marketing Association and the FBI dedicated to bringing spammers to justice, resulted in arrests or legal action against dozens of individuals. Still, the enactment of CAN-SPAM seems to have done little to stop the spew.

The act, which became law on January 1, sets forth guidelines for headers, subject lines and opt-out methods. It allows state attorneys general ISPs to sue spammers, but it took away the right of individuals to sue them.

Marketers and Congress hailed CAN-SPAM a great leap forward in the fight to reduce unsolicited commercial e-mail. But activists called CAN-SPAM a bunch of legislative hot air. They claimed it wasn't as tough as the laws many of the states had already enacted, yet it superseded those laws while taking enforcement out of the hands of the states.

However, while CAN-SPAM generally does overrule tougher state or regional anti-spam

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Exhibit #6

laws, there are a couple of exceptions: It doesn't burke statutes that prohibit "falsity or deception" in any portion of the e-mail. And it doesn't preempt any state laws that aren't specific to e-mail, such as state trespass, contract or tort laws.

Those exceptions provide two big gotchas for individuals who want to fight back.

Going Hand-to-Hand Against Spam

The Institute for Spam and Internet Public Policy (ISIPP) launched a new service to help businesses whose domain names have been used in vain by spammers.

What happens is spammers forge e-mail headers, using the names of legitimate business, to get past black lists and fool recipients into opening unsolicited commercial e-mails. ISIPP shows the businesses how to sue spoofers for trademark infringement. And according to ISIPP CEO Anne Mitchell, trademark law is more easily understood than CAN-SPAM, and it provides for statutory damages for infringement. The statutory damages provision means that complainants don't have to prove that they actually lost money in order to get a money judgment.

Dan Balsam, a Los Angeles-based anti-spam activist with 17 court wins under his belt, sues under the section of California's Business and Professions Code that prohibits false or deceptive e-mail headers.

"The reason I win is that I'm right," said Balsam. "I know what the law says. The spammers break it. I go into court, and I win."

*ICPAL
formed by
Gordon*

Balsam is a former Internet marketer himself; he says that's why spam offends him so much.

ICPAL founder Jim Gordon, of Richland, Wash., rejected a \$40,000 settlement offer from Commonwealth Marketing Group, a company that markets consumer credit cards via e-mail. He brought suit in 2003 under Washington state laws that CAN-SPAM did not supersede, including an e-mail statute, an unfair business practices statute and a statute prohibiting unlawful harassment.

"I get roughly 1,500 every single day of my life," said Gordon, an affiliate marketer for health and nutrition products. "Last summer, I got fed up and sent out a bunch of demand letters."

Gordon is asking Washington state court to give him \$3.1 million. And he's asking for even more in another claim against Impulse Marketing Group, a company he says Commonwealth hired to spam on its behalf. Gordon said he may file as many as 50 or 60 lawsuits in the coming months, all targeting spammers.

Joe Wagner, president of Hypertouch, a Foster City, Calif., Internet services provider, won two \$5,000 judgments for actions he filed in 2003 under California's anti-spam laws. He went after Discover Financial Services for hiring a marketing company that harvested e-mail addresses and sent e-mail to people who had opted out.

And this year, he sued remodeling information site BobVila.com and interactive marketing agency BlueStream Media for sending e-mail that didn't comply with CAN-SPAM. The case is scheduled for trial in March 2005; BlueStream denies the allegations.

Bennett Haselton, a Bellevue, Wash., man who writes censorship-blocking software for

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Voice of America, first sued a telemarketer in 2001. Since then, he's won 15 or 20 judgments against callers, faxers and e-mailers, collecting about \$10,000. Using parts of Washington's laws that CAN-SPAM does not supersede, he takes on spammers in small claims court.

"One of the annoyances," Haselton said, "is that every judge has different rules about what they think the law allows." Some insist he can't sue in small claims court because he hasn't actually lost money by being spammed. "I don't really blame the judges for contradicting each other," he said, "because the law is written unclearly."

Ben Livingston, who runs a small Seattle ISP called INWA, has won lots of judgments in the last three years against faxers, telemarketers and spammers.

"As a small ISP, we have a finite amount of resources, and the volume of spam we get is enormous," he said. After failing to collect most of those judgments, Livingston said he started limiting his targets to those he could easily find a phone number for.

He said that despite his general cynicism, "I have hopes for any coalition where there are people who actually want to stop spam. It's good to have a group of people who are up-to-date and keeping things moving. It's nice to have Jim Gordon or someone reminding me that I want to sue the hell out of spammers."

The Hit Parade

The ICPAL members convened after Gordon contacted Livingstone and Haselton to get information on their spam-fighting tactics.

"We think the CAN-SPAM Act is an open license to spam with very little protection for the public," Wagner said. "But we are attempting to use what few protections are available to punish some unrepentant spammers."

Their plan of attack starts with filing many more lawsuits. They also want to inspire others to follow suit, so to speak, by sharing resources and successful legal strategies. ICPAL will act as a clearinghouse for resources, tools and information. Together, the group wants to develop a database of known and suspected spammers, track individual court cases and share winning tactics, as well as develop software to automate the process of hunting spammers down.

Recently, ICPAL joined forces with Computer Forensics Group, which provides electronic discovery services for attorneys, sifts through hard drives for deleted files or altered data, then analyzes and testifies on the evidence. The company will help ICPAL identify spoofers and track down spammers.

"We didn't want a formal coalition, something spammers can attack," Gordon said. "We'll keep it informal but share all information necessary."

Though the prospect of suing spammers may seem financially rewarding, none of these activists is in it for the money. That's just as well, because it can be harder to collect from spammers than to win the suit in the first place.

"Only a tiny fraction of the spam you get can be translated into a court case, let alone a judgment and actual money," Haselton said. "This by itself will not solve the spam problem. But any transfer of money from a spammer to anyone else in the world is a good thing."

And sometimes, the revenge is sweet. On one recent weekend, Hypertouch's Wagner dropped seven iMac computers off at the San Francisco Coalition for the Homeless. He purchased the computers with settlement money from spammers and junk faxers.

"Using the punishment of people who are most abusing the new economy to help those most left out," he said, "has a satisfying and more than very aesthetic appeal."

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Tech

E-MAIL THIS PRINT THIS SAVE THIS MOST POPULAR SUBSCRIBE

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Jim Gordon
Richland

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 - Classifieds
- Marketplace
 - Arcade
 - Music
 - Shopping
 - Special Offer
 - Newspaper Classifieds
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Man sues firm over deluge of unsolicited e-mails

HOPWOOD, Pa. (AP) — A man from Washington state has accused a western Pennsylvania telemarketer of sending him hundreds of unsolicited e-mails and has sued the company under his state's anti-spam law.

In a complaint filed in his home state court last month, Jim Gordon of Richland, Wash., said he wants Commonwealth Marketing Group of Hopwood, Fayette County, to pay him \$500 for each piece of spam the company allegedly sent him. According to Gordon, that adds up to more than \$600,000 for more than 1,200 messages.

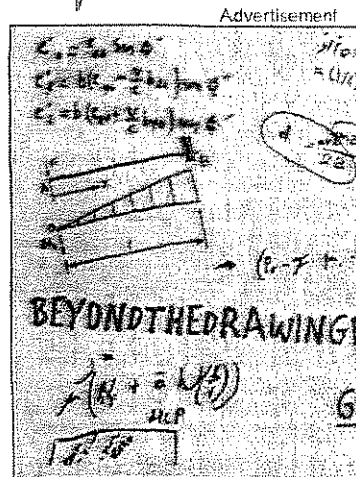
"My motivation is to get this spam stopped," Gordon told the Pittsburgh Post-Gazette for a story in Sunday editions. "I sent them a letter saying stop. And they didn't."

Gordon's lawsuit focuses on a Washington law that prohibits the sending of deceptive or misleading e-mails. Gordon's suit also was filed under two other Washington laws governing unfair business practices and harassment.

CMG's e-mails were "designed to entice" him to believe he was applying for a major credit card, such as a VISA or MasterCard, Gordon said. But CMG was really offering its own products and credit.

In his lawsuit, Gordon also accused CMG of using invalid addresses in violation of state law. He received messages from 551 different senders, which he eventually traced to the company, Gordon said.

CMG Chief Executive Officer Robert E. Kane said that his company is the one being wronged. The lawsuit — and a letter Gordon sent the company demanding more than \$10,000 — amount to a scam, Kane said.



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Exhibit #7

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"This guy has requested e-mails from us," Kane said, "Our computers are programmed to identify him. It's a shakedown. It happens all the time. We probably get one or two of these a week."

Gordon said he sent a letter to CMG in August, saying he had received 27 unsolicited e-mails from the company and demanding a check for \$10,800, or \$400 for each message. The letter threatened that Gordon would bump up the fee up to \$500 per e-mail and would contact the Washington attorney general if he didn't hear from CMG officials in a few weeks.

September 12 2003

"If payment has not been received by 5 p.m. on Sept. 12, 2003, I will conclude that an out-of-court settlement is not possible," the letter said.

Gordon has also demanded money from three other companies that he said spammed him.

"It's totally meritless," said Kane, who also denied that the subject lines of his company's e-mails are deceiving. "There's not a shred of truth in it."

CMG has been investigated before.

The firm's owner, Frederick F. Zeigler III, pleaded guilty in February in U.S. District Court in Pittsburgh to tax violations and no contest to bank fraud in connection with a credit card scheme. He is serving a 15-month federal prison sentence.

Prosecutors said Zeigler claimed personal purchases as business expenses.

Zeigler's company marketed credit cards to low-income people and enticed them to charge vacation packages the company sold on the cards, prosecutors said. After doing so, only about \$13 in credit remained and the cardholders found their cards rejected when they tried to use them, prosecutors said.

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Excerpt 8

SpamSieve 2.1.2

Reviewed by Robert Pritchett

1. Michael Tsai's Mac Software

14 Gates Road

Etna, NH 03750

(Yes, he has a phone number but prefers Email instead.)

mjl@c-command.com

<http://www.c-command.com>

Released: January 24, 2004

\$25 USD from <http://store.cSellerate.net/mt/store>

Free 30-day (or 20 launches) Trial:

<http://www.c-command.com/downloads/SpamSieve-2.1.2.dmg>

Requirements: Between 5 and 6 MB hard drive space. Mac OS X 10.2 or later (10.3.2 or later recommended) Works with Apple Mail™, Emailer™, Entourage™, Eudora 5.2™ or later (Sponsored or Paid), Mailsmith™ (bundled with Mailsmith 2.1), and PowerMail™.

<http://www.c-command.com/spamsieve/>

Screenshots:

<http://www.c-command.com/spamsieve/screenshots.shtml>

Other Reviews:

<http://www.c-command.com/spamsieve/press.shtml>

<http://www.macupdate.com/info.php/id/9116>

Apple-X.net Review



"TYPE=PICT:ALT=rate45"

Strengths: Works from within all Macintosh-based Mail applications through training activities.

Weaknesses: Install takes "extra" steps and no Uninstall included.

Jim Gordon



"TYPE=PICT:ALT=spamsieve2"

After installing this package you can almost say, "SPAM? What SPAM?" I was turned on to this software package after working with Jim Gordon on some Anti-SPAMming activities. (He has been instrumental in trying to get a few of the major offenders to stop their activities online with

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their bait&switch tactics.)

Jim used to get well over 1,000 SPAM Emails a day. I had cancelled one Email account I started with back in 1994 because it had become way too compromised. My current accounts have been handled nicely by the Junk Folder training I had done previously with Apple Mail, except lately I notice my Junk Mail folder has been filling up. I had it set to auto-disappear the Emails when I click on it so I never knew what was in there. I knew I had trained it to dump whatever came from certain locations and SpamSieve accepted that data nicely.

Michael Tsai has been the Editor-in-Chief and publisher of the free monthly ezine, "About This Particular Macintosh" at <http://www.atpm.com> for a very long time. Not too long ago, he developed and began distribution of a few software applications for Mac OS X. SpamSieve 2.1.2 is one of them and it won a "Software of the Year" award from MacWorld! Good going, Mike! I hope sales will augment the cost of keeping ATPM alive and well.

Now, are there competitors to SpamSieve? Good heavens, yes! Lots!! But none I've seen so far go as far or work as well. This one works from within practically every single Email-based program and accounts, including AOL, Hotmail, IMAP and POP. Now, does it "kill" SPAM? No, it marks them for what they are and (in my case) puts them in the SPAM folder. I use Apple Mail in Panther on my old venerable iMac. If it will work there, it should work anywhere. As you can see here, I just began the process And prior to this< I didn't get a lot of bad Email because I had Apple Mail trained to dump stuff into Junk already.



"TYPE=PICT:ALT=spamseive3"

"False positives" (Emails that it thinks are SPAM, but are not) work with the "Add Good" AppleScript from within Apple Mail. SpamSieve also uses the "Mark Mail If Spam" AppleScript. It also works with Habeas Headers. And if you don't know what that means, check out <http://www.habeas.com/>.

So what SpamSieve is doing is learning by doing, using a Bayesian Spam Filter process (see <http://www.paulgraham.com/spam.html>).

What I did was load good and bad Email so SpamSieve could learn what I had. Then I checked the "Blocklist" [instead of Blacklist] and discovered most of my good Emails (about 181 of them) were there and had to uncheck those since I deal with a lot of affiliate Emails. I also found my own Email addresses there, so please check SpamSieve Preferences once you've begun to run this program on your system. There is also a "Whitelist" for those Emails (it showed 15) that will always go through and not get intercepted when they come into my Inbox. In this case, some of those should have been over on the Blocklist instead, so maybe perhaps there is some Reverse Polish Notation going on here with my machine. Oh, I have the Habeas turned on, so the ADV

(advertisement) headers get automatically dumped into the "bad" pile.

I also imported the "Corpus" that filters on words, etc. Apparently money is considered to be bad if it is in the body of an Email. 54,728 words? Ohhh boy!

Now, I don't have a lot of stuff in my Address Book. I prefer business cards that are non—electronic right now, but SpamSieve works with Apples Address Book.

SpamSieve has a Log too. Interesting how it picked up on EVERYTHING that transpired and noted whether the Emails were bad or good. Very interesting.

I suppose I should have begun by reading the 56-page PDFed manual...va think? Okay, now we're cooking with gas! I was supposed to un-enable the Apple Mail JunkMail, copy 4 AppleScript SpamSieve files to the Mail Script folder, add a Spam folder in Apple Mail, install an Apple SpamSieve plugin, Shutdown and restart Apple mail and let SpamSieve receive all Mail to determine whether or not it can deduce if the Email coming in is good or bad. I went back and removed all the Email addresses in the Blocklist that should not have been there. The instructions state that I should add them to the Whitelist. I can't just drag&drop though. Oh well...

So did my Statistics page change yet? No. Seems all mail today has strangely been very, very quiet...

Update: Our Email server was down – and still is, so we had to turn to alternate Email sources to keep working – just coincidence? Well, I discovered there is no Uninstall feature, so I had to manually reverse the install process in the previous paragraph. Sigh... When you get this application, RTFM (Read The Fine Manual) because it helps immensely with the walk-through installation. I got excited and broke one of my own rules. When I got into trouble, I went to the manual. Maybe if the installation process auto-opened the manual first? Nah, too easy.

Anyway, I sure hope Apple auto-installs SpamSieve as an add-on to JunkMail in the next release of Mac OS X. In the meantime, why not download a copy and let it run on your system for a while?

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