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**iMarketing International Inc.**

DBA Referralware International  
28012 Marguerite Parkway, Suite H-237  
Mission Viejo, CA 92692

April 3, 2004

Superior Court of CA, LA Country  
1725 Main Street  
Santa Monica, CA 90401  
**RE: Challenge of Venue - Case No. 04A00268**

Dear Sir or Madam:

This letter is to challenge the venue of the small claims filing by Daniel L. Balsam (Case No. 04A00268), as well as, request that this case be dismissed under the grounds that his claim is directed to the wrong party.

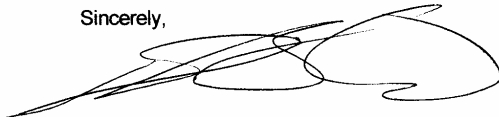
First, our company is located in Mission Viejo, CA (Orange Country) and nothing occurred in Santa Monica. If a case is filed against our company, we believe it should be filed in Orange County where we do business. We request that the case be transferred to Orange County or that it be dismissed.

Secondly, this case should be dismissed on the following grounds:

- o Mr. Balsam claims we sent Unsolicited Bulk Email (Spam) to him and we did not.
- o Mr. Balsam is suing our company for email that he received from a legitimate 3<sup>rd</sup> party marketing firm that promotes our website. The company that sent him the email markets exclusively to their opt-in database and has supporting data on each opt-in member (date/time in, IP Address of the member, etc.) in their database. They also fully comply with the CAN Spam Act, and we don't know why Mr. Balsam would be suing us for their actions (either way).
- o Mr. Balsam has filed dozens of lawsuits over being spammed and in our opinion is taking advantage of the legal system. For evidence of this, run an Index on his name to see how many lawsuits he's filed within your court alone. He filed 2 other lawsuit, claiming to be spammed, the same day he filed suit against ours.
- o Mr. Balsam sent our corporation a letter requesting we pay him \$15,000.00 for emails he received between August 21 2003 and November 1<sup>st</sup> 2003, which again, were sent to him by another company. In the copies he sent with his letter, he "blacked out" his email address so that he couldn't be identified to determine the validity of his claim. It is our belief that for Mr. Balsam's claim to be valid, he must first prove that he didn't opt-in to the marketing companies' database that was sending him email, and even then, his claim would be with them rather than iMarketing International Inc. After our company ignored his initial threatening letter, he then decided to "Spam" your small claims court with yet another frivolous lawsuit instead.

We request that this case be dismissed. Thank you for your time spent reviewing this claim.

Sincerely,



Dean Strickler  
Chief Executive Officer  
iMarketing International Inc.