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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN JOAQUIN (UNLIMITED JURISDICTION)**

17 DANIEL BARRETT, an individual,) Case No.: 39-2013-00298275-CU-BT-
18 JAMIE CARPER, an individual,) STK
19 JAY FINK, an individual, and)
20 WALTER HILL, an individual,)

21 Plaintiffs,) **VERIFIED FOURTH AMENDED**
22) **COMPLAINT FOR DAMAGES**

23 v.)

24 ALLAN HENNING, an individual,) **1. VIOLATIONS OF CALIFORNIA**
25 DENIRO MARKETING LLC, a California) **RESTRICTIONS ON UNSOLICITED**
26 limited liability company,) **COMMERCIAL E-MAIL (Cal. Bus. &**
27 LIVE CHANNELS LLC, a California limited) **Prof. Code § 17529.5)**
28 liability company, and)
29 DOES 1-100,)
30 Defendants.)

31 COME NOW PLAINTIFFS DANIEL BARRETT, JAMIE CARPER, JAY FINK, and WALTER
HILL and file this Verified Fourth Amended Complaint for one cause of action against
Defendants ALLAN HENNING, DENIRO MARKETING LLC, LIVE CHANNELS LLC, and

1 DOES 1-100, reserving rights of appeal on issues relating to the Order sustaining Defendants’
2 Demurrer to Plaintiffs’ Third Amended Complaint, and allege as follows:

3
4 **I. INTRODUCTION AND SUMMARY OF THE COMPLAINT**

5 1. Plaintiffs DANIEL BARRETT, JAMIE CARPER, JAY FINK, and WALTER HILL
6 bring this Action against ALLAN HENNING, DENIRO MARKETING LLC, and LIVE
7 CHANNELS LLC dba *AdsForSex.com*, *AmateurMatch.com*, *Cheaters.net*,
8 *CheatingHouseWife.com*, *DatingAffair.com*, *FindCheaters.com*, *HookUpBBW.com*,
9 *LocalCheaters.com*, *SpeedBoink.com*, *SpiceOrNice.com*, *Untrue.com*, and *XXXDating.com* for
10 advertising in unlawful Unsolicited Commercial Email Advertisements (aka “spams”) sent to
11 Plaintiffs, as follows:

- 12 • ALLAN HENNING, DENIRO MARKETING LLC, and LIVE CHANNELS
13 LLC advertised in at least 14 unlawful spams sent to BARRETT.
- 14 • ALLAN HENNING, DENIRO MARKETING LLC, and LIVE CHANNELS
15 LLC advertised in at least 327 unlawful spams sent to CARPER.
- 16 • ALLAN HENNING, DENIRO MARKETING LLC, and LIVE CHANNELS
17 LLC advertised in at least 356 unlawful spams sent to FINK.
- 18 • ALLAN HENNING, DENIRO MARKETING LLC, and LIVE CHANNELS
19 LLC advertised in at least 26 unlawful spams sent to HILL.

20 2. No Plaintiff ever gave any Defendant “direct consent” (as defined by California law) to
21 receive commercial email advertisements.

22 3. The spams all had materially falsified, misrepresented, and/or forged information in
23 violation of California Business & Professions (“B&P”) Code § 17529.5(a)(1) – inclusion of
24 third parties’ domain names without permission by the third parties. The unlawful elements of
25 these spams represent willful acts of falsity and deception, rather than clerical errors.

26 4. Plaintiffs suffered damages by receiving the spams. *See, e.g.*, B&P Code § 17529(d), (e),
27 (g), (h).

28 5. This Court should award liquidated damages of \$1,000 per email as provided by B&P
29 Code § 17529.5(b)(1)(B)(ii), and not consider any reduction in damages, because Defendants
30 failed to implement reasonably effective systems designed to prevent the sending of unlawful
31 spam in violation of the statute.

1 6. This Court should award Plaintiffs their attorneys' fees pursuant to B&P Code
2 § 17529.5(b)(1)(C). *See also* Cal. Code Civ. Proc. § 1021.5, providing for attorneys fees when
3 private parties bear the costs of litigation that confers a benefit on a large class of persons; here
4 by reducing the amount of false and deceptive spam received by California residents.
5

6 **II. PARTIES**

7 **A. Plaintiffs**

8 7. DANIEL BARRETT ("BARRETT") is now, and at all times relevant has been, an
9 individual residing in the State of California, County of Marin, and a citizen of California.
10 BARRETT ordinarily accesses his email address from California.

11 8. JAMIE CARPER ("CARPER") is now, and at all times relevant has been, an individual
12 residing in the State of California, County of San Bernardino, and a citizen of California.
13 CARPER ordinarily accesses his email address from California.

14 9. JAY FINK ("FINK") is now, and at all times relevant has been, an individual residing in
15 the State of California, County of Marin, and a citizen of California. FINK ordinarily accesses
16 his email address from California.

17 10. WALTER HILL ("HILL") is now, and at all times relevant has been, an individual
18 residing in the State of California, County of Solano, and a citizen of California. HILL
19 ordinarily accesses his email address from California.

20 **B. Defendants Deniro Marketing LLC, Live Channels LLC, and Allan Henning**

21 11. Plaintiffs are informed and believe and thereon allege that Defendant DENIRO
22 MARKETING LLC is currently, and was at all relevant times, a California limited liability
23 company headquartered in Stockton, San Joaquin County, California.

24 12. Plaintiffs are informed and believe and thereon allege that Defendant LIVE CHANNELS
25 LLC is currently, and was at all relevant times, a California limited liability company
26 headquartered in Stockton, San Joaquin County, California.

27 13. Plaintiffs are informed and believe and thereon allege that Defendant ALLAN
28 HENNING is currently, and was at all relevant times, an individual and the sole Member of both
29 DENIRO MARKETING LLC and LIVE CHANNELS LLC, residing in or near Stockton, San
30 Joaquin County, California.
31

1 14. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING, DENIRO
2 MARKETING LLC, and LIVE CHANNELS LLC share physical assets, personnel, addresses,
3 finances, and intellectual property such that they failed to follow proper corporate formalities,
4 and each is an alter ego of the other. To name but three examples:

- 5 • Plaintiffs are informed and believe and thereon allege that the numerous “front-
6 end” websites all display information from a common database. Nevertheless,
7 DENIRO MARKETING LLC has previously admitted to owning
8 *AmateurMatch.com*, while at the same time the terms & conditions from
9 *FindCheaters.com* and *LocalCheaters.com* both refer to LIVE CHANNELS LLC.
- 10 • Plaintiffs are informed and believe and thereon allege that the numerous websites’
11 18 U.S.C. § 2257 disclosure statements all referred to the same address in
12 Stockton (before they were changed to an address in Cyprus to make it more
13 difficult for spam recipients to identify them).
- 14 • ALLAN HENNING is the sole Member of both DENIRO MARKETING LLC
15 and LIVE CHANNELS LLC.

16 15. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING controlled
17 the corporate entities of DENIRO MARKETING LLC and LIVE CHANNELS LLC and any and
18 all other nominal companies that purport to own and/or operate the pornographic “adult dating”
19 websites *AdsForSex.com*, *AmateurMatch.com*, *Cheaters.net*, *CheatingHouseWife.com*,
20 *DatingAffair.com*, *FindCheaters.com*, *HookUpBBW.com*, *LocalCheaters.com*, *SpeedBoink.com*,
21 *SpiceOrNice.com*, *Untrue.com*, and *XXXDating.com*, such that the separate personalities of the
22 individual and the business entities no longer exist, and the companies are merely alter-egos of
23 ALLAN HENNING. Plaintiffs are informed and believe that ALLAN HENNING makes
24 decisions on all matters of import to the companies and that the companies exist merely to do his
25 will. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING personally
26 made the decision to utilize the email advertising at issue in this Action.

27 16. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING controlled
28 the corporate entities of DENIRO MARKETING LLC and LIVE CHANNELS LLC and any and
29 all other nominal companies that purport to own and/or operate the pornographic “adult dating”
30 websites *AdsForSex.com*, *AmateurMatch.com*, *Cheaters.net*, *CheatingHouseWife.com*,
31 *DatingAffair.com*, *FindCheaters.com*, *HookUpBBW.com*, *LocalCheaters.com*, *SpeedBoink.com*,

1 *SpiceOrNice.com, Untrue.com, and XXXDating.com*, to such an extent that failure to disregard
2 their separate identities would result in fraud or injustice to Plaintiffs. Plaintiffs are informed
3 and believe and thereon allege that ALLAN HENNING has taken steps to move some or all of
4 the companies (and their assets) offshore, for the purpose of evading liability for any court
5 order/judgment that might result from this Action.

6 17. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING
7 personally, either on his own or with others, registered or re-registered the domain names for his
8 various websites to foreign addresses to make it more difficult for spam recipients to identify
9 him, DENIRO MARKETING LLC, and/or LIVE CHANNELS LLC as the entities who really
10 control the websites *AdsForSex.com, AmateurMatch.com, Cheaters.net,*
11 *CheatingHouseWife.com, DatingAffair.com, FindCheaters.com, HookUpBBW.com,*
12 *LocalCheaters.com, SpeedBoink.com, SpiceOrNice.com, Untrue.com, and XXXDating.com.*

13 18. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING
14 undercapitalized Defendants DENIRO MARKETING LLC and LIVE CHANNELS LLC and
15 any and all other nominal companies that purport to own and/or operate the pornographic “adult
16 dating” websites *AdsForSex.com, AmateurMatch.com, Cheaters.net, CheatingHouseWife.com,*
17 *DatingAffair.com, FindCheaters.com, HookUpBBW.com, LocalCheaters.com, SpeedBoink.com,*
18 *SpiceOrNice.com, Untrue.com, and XXXDating.com*, relative to the potential liability that could
19 result from sending thousands, if not millions, of unlawful spams.

20 19. Plaintiffs are informed and believe and thereon allege that ALLAN HENNING used
21 DENIRO MARKETING LLC and LIVE CHANNELS LLC to deceptively advertise in and/or
22 send millions of unlawful spams containing misleading headers.

23 20. Plaintiffs hereafter refer to ALLAN HENNING, DENIRO MARKETING LLC, and
24 LIVE CHANNELS LLC and any and all other nominal companies that purport to own and/or
25 operate the pornographic “adult dating” websites *AdsForSex.com, AmateurMatch.com,*
26 *Cheaters.net, CheatingHouseWife.com, DatingAffair.com, FindCheaters.com,*
27 *HookUpBBW.com, LocalCheaters.com, SpeedBoink.com, SpiceOrNice.com, Untrue.com, and*
28 *XXXDating.com*, collectively as “HENNING.”

29 21. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
30 the *AdsForSex.com* website, which describes itself as follows:
31

1 **AdsForSex.com is the top Adult Personal Ads Website**

2 AdsForSex is adult personals at their absolute best! Search our database of
3 thousands of sex personals and find a date with thousands of hot singles tonight!
4 Adult dating is the most entertaining form of internet dating and you can easily
5 find women and hookup tonight! If you are looking for no-strings-attached
6 relationships, then you need a sex dating site that will allow you to search for
7 local singles in your area. AdsForSex does just that and more. Our video chat
8 room and live webcam shows add to the fun. Post your personal ad and get
9 noticed right away on AdsForSex. We also have a mobile dating website which
10 you can access from your smartphone. Join now!

11 Home Page, *AdsForSex.com* (last visited Jan. 22, 2013).

12 22. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
13 the *AmateurMatch.com* website, which describes itself as follows:

14 **AmateurMatch.com is the hottest adult dating site on the net!**

15 The number one site for adult dating allows you to search through thousands of
16 sex personal ads in order to find a date quickly. Meet hot singles fast and easy
17 with just a few clicks using our advanced search feature. Contact hundreds of
18 local singles in your area and hookup tonight! Users are able to verify their
19 identity so that you have the greatest chance to find girls looking to get laid
20 tonight. Sex dating is the ultimate way for singles, swingers, and even cheaters to
21 find sex using our adult personal ads.

22 Home Page, *AmateurMatch.com* (last visited Jan. 22, 2013).

23 23. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
24 the *Cheaters.net* website, which describes itself as follows:

25 **Cheaters.net is the Ultimate Discreet Dating Site for Cheaters**

26 If you are looking to add some adventure to your social life, you have come to the
27 right place. Cheaters.net provides anonymous dating for those looking to have
28 discreet encounters or one night stands. Married dating is more popular than
29 anyone knows because discreet dating is possible through Cheaters.net. Cheaters
30 can find a discreet relationship and have an affair by searching through thousands
31 of profiles local to your area. We also have a mobile cheaters site for users with
 smart phones, a gay dating website for those leaning that way, and adult personal
 ads. Find your no-strings-attached relationship and hookup tonight by creating
 your profile on Cheaters.net now!

 Home Page, *Cheaters.net* (last visited Jan. 22, 2013).

 24. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
 the *CheatingHouseWife.com* website, which describes itself as follows:

1 **LOOKING FOR A NAUGHTY EXPERIENCE? Join**
2 **CHEATINGHOUSEWIFE.COM**, the #1 place to find a *discreet online fantasy*

3 Home Page, *CheatingHouseWife.com* (last visited Mar. 12, 2014).

4 25. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
5 the *DatingAffair.com* website, which describes itself as follows:

6 **Having an affair made easy at DatingAffair.com!**

7 Whether you are stuck in a relationship you don't want to be in, are in an open
8 relationship, or are just looking for no-strings-attached, DatingAffair can help you
9 find the discreet encounters you are looking for. Have an affair, experience
10 married dating, or simply find a one-night-stand by searching through our
11 database of thousands of users in your area. Anonymous dating and discreet
12 relationships are accessible with just a few clicks. We also have a dating affair
13 mobile site when you are not at your computer and a gay dating site for those
14 interested. We also offer sex personals on our adult dating site. Join DatingAffair
15 and have an affair tonight!

16 Home Page, *DatingAffair.com* (last visited Jan. 22, 2013).

17 26. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
18 the *FindCheaters.com* website, which describes itself as follows:

19 **Discreet Dating at FindCheaters.com**

20 Looking for excitement, forbidden romance or an anonymous relationship? The
21 best place to find it is FindCheaters.com. Search through thousands of cheaters
22 like yourself looking for a discreet relationship or to have an affair. If you are
23 searching for a one-night stand or a no-strings-attached relationship, you have
24 come to the right place. We use complete discretion and are judgment free.
25 Relationships are complicated but you can find happiness and entertainment
26 through married dating. Search for your discreet encounter tonight! And try our
27 cheaters mobile site in order to keep your browser history clean. You can also
28 take part in the hottest adult personals site on the net.

29 Home Page, *FindCheaters.com* (last visited Jan. 22, 2013).

30 27. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
31 the *HookupBBW.com* website, which describes itself as follows:

**LOOKING TO HOOKUP TONIGHT? Join HookupBBW The #1 Place to Find
 Your BBW Partner.**

Home Page, *HookupBBW.com* (last visited Jan. 22, 2013).

28. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
the *LocalCheaters.com* website, which describes itself as follows:

1 **Cheaters in Your Area at LocalCheaters.com**

2 Add some spice to your life and search for an anonymous date close to your
3 location (but not too close!) Search through thousands of cheaters looking for
4 some on the side. If you are interested in trying a one-night-stand or finding a no-
5 strings-attached discreet relationship, this is the site for you. Find your discreet
6 encounter tonight! And don't forget to try our cheaters mobile site to keep your
7 affairs in your pocket. Also feel free to try the hottest adult webcam shows on the
8 net!

9 Home Page, *LocalCheaters.com* (last visited Jan. 22, 2013).

10 29. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
11 the *SpeedBoink.com* website, which describes itself as follows:

12 SpeedBoink.com is adult dating gone wild! Meet singles, couples, or groups in
13 your area who are willing and waiting to explore erotic fantasies with you.

14 Home Page, *SpeedBoink.com* (last visited Jan. 22, 2013).

15 30. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
16 the *SpiceOrNice.com* website, which describes itself as follows:

17 LOOKING FOR THAT UNIQUE PARTNER? Join SpiceOrNice.com The #1
18 Place to Meet Singles in Your Area

19 Home Page, *SpiceOrNice.com* (last visited Jan. 22, 2013).

20 31. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
21 the *Untrue.com* website, which describes itself as follows:

22 untrue – HAVE AN AFFAIR. WE WON'T TELL.

23 Home Page, *Untrue.com* (last visited Jan. 22, 2013).

24 32. Plaintiffs are informed and believe and thereon allege that HENNING owns and operates
25 the *XXXDating.com* website, which describes itself as follows:

26 **XXXDating is the Adult Dating Leader – Join Today!**

27 XXXDating.com is the leading adult dating site on the internet with thousands of
28 hot singles joining daily. Search through local singles in your area and get laid
29 tonight. Sex dating is the best way for singles to post their adult personals and
30 hookup tonight. Our video chat room allows you to view the cams of tons of hot
31 girls looking to get laid. Sign-up today, post your profile and find a date tonight.
XXXDating is your place to meet singles, swingers, or even find cheaters. We
also have a mobile adult dating site for your mobile phone and a gay dating site.
For the leader in adult dating, join XXXDating today!.

1 Home Page, *XXXDating.com* (last visited Jan. 22, 2013).

2 33. Plaintiffs are informed and believe and thereon allege that most, if not all, of the
3 “women” in HENNING’s database are fake, and members that receive messages from and send
4 messages to HENNING’s “Online Cupids” are in fact communicating with automated scripts,
5 such that HENNING’s members will never meet or “hook up” with the “women” that they
6 “meet.”

7 **C. DOE Defendants**

8 34. Plaintiffs do not know the true names or legal capacities of the Defendants sued herein as
9 DOES 1 through 100, inclusive, and therefore sue these Defendants under such fictitious names.
10 Plaintiffs will amend this Complaint to allege their true names and capacities when ascertained.
11 Plaintiffs are informed and believe and thereon allege that each fictitiously named Defendant is
12 responsible in some manner for the matters alleged herein, and that Plaintiffs’ injuries and
13 damages alleged herein were proximately caused by their conduct.

14
15 **III. JURISDICTION AND VENUE**

16 **A. Jurisdiction is Proper in a California Court**

17 35. This Court has jurisdiction over the Action because all Parties are located in California,
18 all Plaintiffs received the unlawful spams in California, and the amount in controversy exceeds
19 \$25,000.

20 **B. Venue is Proper in San Joaquin County**

21 36. Venue is proper in San Joaquin County because all Defendants ALLAN HENNING,
22 DENIRO MARKETING LLC, and LIVE CHANNELS LLC are all located in or near Stockton.
23 Code Civ. Proc. §§ 395.

24
25 **IV. HUNDREDS OF UNLAWFUL SPAMS**

26 **A. The Emails at Issue are “Spams”; Recipients and Counts**

27 37. The emails at issue are “commercial email advertisements”¹ because they advertise goods
28 and services.

29 _____
30 ¹ “Commercial e-mail advertisement’ means any electronic mail message initiated for the
31 purpose of advertising or promoting the lease, sale, rental, gift offer, or other disposition of any
property, goods, services, or extension of credit.” B&P Code § 17529.1(c).

1 38. The emails are “unsolicited commercial email advertisements”² because no Plaintiff ever
2 gave any Defendant “direct consent”³ to advertise in commercial emails sent to him, nor did any
3 Plaintiff have a “preexisting or current business relationship”⁴ with any Defendant.

4 39. BARRETT received 14 spams advertising HENNING at his “California email address.”⁵

5 40. CARPER received 327 spams advertising HENNING at his “California email addresses.”

6 41. FINK received 354 spams advertising HENNING at his “California email addresses.”

7 42. HILL received 26 spams advertising HENNING at his “California email address.”

8 43. Plaintiffs are informed and believe and thereon allege that Defendants sent and/or
9 advertised in thousands or even millions of similar spams received by other California residents.

10 44. Plaintiffs’ email addresses play no part in determining whether or not the emails have
11 falsified, misrepresented, forged, misleading, or otherwise deceptive information contained in or
12 accompanying the email headers.

13 45. Plaintiffs’ email addresses are confidential for numerous reasons, including, but not
14 limited to, avoiding the risk of retaliation by “mail bombing” (sending massive amounts of email
15

16
17
18 ² “‘Unsolicited commercial e-mail advertisement’ means a commercial e-mail advertisement sent
19 to a recipient who meets both of the following criteria: (1) The recipient has not provided direct
20 consent to receive advertisements from the advertiser. (2) The recipient does not have a
21 preexisting or current business relationship, as defined in subdivision (l), with the advertiser
promoting the lease, sale, rental, gift offer, or other disposition of any property, goods, services,
or extension of credit.” B&P Code § 17529.1(o).

22 ³ “‘Direct consent’ means that the recipient has expressly consented to receive e-mail
23 advertisements *from the advertiser*, either in response to a clear and conspicuous request for the
24 consent or at the recipient’s own initiative.” B&P Code § 17529.1(d) (emphasis added).

25 ⁴ “‘Preexisting or current business relationship,’ as used in connection with the sending of a
26 commercial e-mail advertisement, means that the recipient has made an inquiry and has provided
27 his or her e-mail address, or has made an application, purchase, or transaction, with or without
28 consideration, regarding products or services offered by the advertiser. [].” B&P Code
§ 17529.1(l).

29 ⁵ “‘California e-mail address’ means 1) An e-mail address furnished by an electronic mail service
30 provider that sends bills for furnishing and maintaining that e-mail address to a mailing address
in this state; 2) An e-mail address ordinarily accessed from a computer located in this state; 3)
31 An e-mail address furnished to a resident of this state.” B&P Code § 17529.1(b).

1 to Plaintiffs' email addresses), "joe jobbing" (sending unlawful email using Plaintiffs' email
2 addresses in the Sender Email Address field as a means of harassment), or sharing of Plaintiffs'
3 email addresses with other unknown parties who might in turn send spam or mail bombs to
4 Plaintiffs or as if from Plaintiffs.

5 46. The spams are unlawful because they include third parties' domain names without
6 permission of the third parties, as described in more detail below.

7 47. Exhibit A is a representative HENNING spam and the clickthrough/redirect links to the
8 landing page at *AmateurMatch.com*.

9 **B. Spams Containing a Third Party's Domain Name Without Permission Violate Business**
10 **& Professions Code § 17529.5(a)(1)**

11 48. It is unlawful to advertise in spams that contain a third party's domain name without the
12 permission of the third party. B&P Code § 17529.5(a)(1).

13 49. The Sender Email Address is part of email headers.

14 50. None of the domain names that appear in the Sender Email Address of the spams
15 remaining in this Fourth Amended Complaint were owned by HENNING or HENNING's
16 marketing agents – the DOE Defendants – when the spams were sent.

17 51. All of the domain names that appear in the Sender Email Address of the spams remaining
18 in this Fourth Amended Complaint appear without permission of the third parties who own the
19 domain names.

20 52. Some of the emails at issue were sent from email addresses ending in, for example,
21 *@yahoo.com*, such that Yahoo! Inc.'s domain name *yahoo.com* appears in the spams. For
22 example, FINK received a spam on May 17, 2012 advertising HENNING that purports to have
23 been sent from "Sandra" using the email address *jordan.doukasjiym@yahoo.com*.⁶

24 53. Yahoo! Inc. prohibits the use of its "computer systems to facilitate the transmission of
25 unsolicited or unauthorized material." Yahoo! Universal Anti-Spam Policy, *http://info.yahoo.*
26 *com/legal/us/yahoo/guidelines/spam* (last visited Jan. 23, 2013). Therefore, Plaintiffs are
27 informed and believe and thereon allege that Yahoo! Inc. did not and could not have given
28 permission to HENNING or his affiliates to send this spam to FINK.

29
30 ⁶ Of course, if the spam were *not* actually sent from *jordan.doukasjiym@yahoo.com* as it appears
31 in the spam, in violation of B&P Code § 17529.5(a)(1), then by definition the headers would
contain falsified and forged information in violation of § 17529.5(a)(2).

1 54. Most of the spams at issue were sent from domain names that had been “proxy
2 registered.” This means that the user of the domain name transferred legal ownership of the
3 domain to a third party proxy registration service so that the service’s name and contact
4 information would appear in the public WHOIS record, and not the user’s name and contact
5 information. The proxy registration services that are the owners and registrants of the domain
6 names at issue in this action each prohibits the use of its domain names in spam. Thus, all of the
7 spam emails showing that they were sent from proxy-registered domain names were, by
8 definition under the services’ terms of use, unauthorized by the third-party owners of the domain
9 names. More specifically:

10 55. Plaintiffs are informed and believe and thereon allege that proxy registration service
11 NameCheap Inc. (formerly doing business as “WhoisGuard Protected”) prohibited all use of its
12 services for spamming, *see* NameCheap Inc. Registration Agreement, <http://www.namecheap.com/legal/domains/registration-agreement.aspx>, and therefore NameCheap Inc. could not have
14 and did not give permission for any of the domain names for which it was the legal owner to
15 appear in any of the above-referenced spams at issue.

16 56. Plaintiffs are informed and believe and thereon allege that proxy registration service
17 WhoisGuard Inc. (a spin-off of or successor to NameCheap Inc.) prohibits all use of its services
18 for spamming, *see* WhoisGuard Terms of Service, <http://www.whoisguard.com/legal-tos.asp>,
19 and therefore WhoisGuard Inc. could not have and did not give permission for any of the domain
20 names for which it is the legal owner to appear in any of the above-referenced spams at issue.

21 57. Plaintiffs are informed and believe and thereon allege that proxy registration service
22 Whois Privacy Corp. prohibits all use of its services for spamming, *see* The Whois Privacy
23 Service Agreement, <http://www.whoisprivacycorp.com/agreement>, and therefore Whois Privacy
24 Corp. could not have and did not give permission for any of the domain names for which it is the
25 legal owner to appear in any of the above-referenced spams at issue.

26 58. Plaintiffs are informed and believe and thereon allege that proxy registration service
27 Contact Privacy Inc. prohibits all use of its services for spamming, *see* Contact Privacy Inc.
28 Terms of Service, https://www.contactprivacy.com/?action=wp_mailer_show_terms, and
29 therefore Contact Privacy Inc. could not have and did not give permission for any of the domain
30 names for which it is the legal owner to appear in any of the above-referenced spams at issue.

1 59. Plaintiffs are informed and believe and thereon allege that proxy registration service
2 Moniker Online Services LLC prohibits all use of its services for spamming, *see* Moniker
3 Service Agreement, <http://www.moniker.com/legal/registration-agreement>, and therefore
4 Moniker Online Services LLC could not have and did not give permission for any of the domain
5 names for which it is the legal owner to appear in any of the above-referenced spams at issue.

6 60. Plaintiffs are informed and believe and thereon allege that proxy registration service
7 Domains By Proxy Inc. prohibits all use of its services for spamming, *see* Domains By Proxy
8 Anti-Spam Policy, https://www.domainsbyproxy.com/policy/ShowDoc.aspx?pageid=spam_dbp,
9 and therefore Domains By Proxy Inc. could not have and did not give permission for any of the
10 domain names for which it is the legal owner to appear in any of the above-referenced spams at
11 issue.

12 61. Plaintiffs are informed and believe and thereon allege that proxy registration service
13 eNom Incorporated dba “Whois Privacy Protection Service” (“WPPS”) prohibits all use of its
14 services for spamming, *see* eNom Security & Abuse Policy, [http://www.enom.com/help/](http://www.enom.com/help/AbusePolicy.aspx)
15 [AbusePolicy.aspx](http://www.enom.com/help/AbusePolicy.aspx), and therefore eNom Incorporated could not have and did not give permission
16 for any of the domain names for which it is the legal owner to appear in any of the above-
17 referenced spams at issue.

18 62. Plaintiff BARRETT received 14 unlawful commercial emails advertising HENNING’s
19 websites. The table below shows the date/time, sending domain name, and third party
20 owner/registant of the domain name.

BARRETT SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
1	adsforsex.com	2012-09-03 1740	plantingpin.com	Contact Privacy
2	adsforsex.com	2012-09-17 1231	fishycakes.com	Contact Privacy
3	adsforsex.com	2012-09-19 1949	fishycakes.com	Contact Privacy
4	adsforsex.com	2012-09-22 2338	smileysmooth.com	Contact Privacy
5	adsforsex.com	2012-10-14 2337	jollypitch.com	Contact Privacy
6	cheaters.net	2012-09-24 1238	spacespeaker.com	Contact Privacy
7	cheaters.net	2012-10-17 2209	rotobueller.com	Contact Privacy
8	datingaffair.com	2012-10-26 1750	spacespeaker.com	Contact Privacy
9	datingaffair.com	2012-11-30 0614	copperbat.com	Contact Privacy
10	findcheaters.com	2012-10-03 2444	rotobueller.com	Contact Privacy
11	localcheaters.com	2012-11-17 0746	crescentball.com	Contact Privacy
12	untrue.com	2012-10-17 1009	crescentball.com	Contact Privacy
13	untrue.com	2012-10-30 1703	plantingpin.com	Contact Privacy

BARRETT SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
14	untrue.com	2012-11-12 2233	mundowally.com	Contact Privacy

63. Plaintiff CARPER received 327 unlawful commercial emails advertising HENNING’s websites. The table below shows the date/time, sending domain name, and third party owner/registrator of the domain name.

CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
1	adsforsex.com	5/25/2012 6:57	fourteenblondefish.com	WPPS
2	adsforsex.com	5/25/2012 8:34	favorablefactors.com	WPPS
3	adsforsex.com	5/25/2012 10:11	zigzagbrighttime.com	WPPS
4	adsforsex.com	5/26/2012 7:04	offshorerunningfoot.com	WPPS
5	adsforsex.com	5/26/2012 7:32	puredigitaltargets.com	WPPS
6	adsforsex.com	5/26/2012 7:38	heavilymarkedimpact.com	WPPS
7	adsforsex.com	5/27/2012 8:44	batchfilebrigade.com	WPPS
8	adsforsex.com	5/27/2012 8:56	drycrispumbrella.com	WPPS
9	adsforsex.com	5/28/2012 8:52	lightpathpromotionalsigns.com	WPPS
10	adsforsex.com	5/28/2012 9:09	livingloudcreation.com	WPPS
11	adsforsex.com	5/29/2012 9:17	brightfanartistry.com	WPPS
12	adsforsex.com	5/29/2012 11:37	newloveadvice.com	WPPS
13	adsforsex.com	5/29/2012 20:31	armolive.com	WPPS
14	adsforsex.com	5/30/2012 10:44	heavilymarkedimpact.com	WPPS
15	adsforsex.com	5/30/2012 12:33	favorablefactors.com	WPPS
16	adsforsex.com	5/30/2012 13:41	frigidtwist.com	WPPS
17	adsforsex.com	5/31/2012 11:05	megabitsnews.com	WPPS
18	adsforsex.com	6/1/2012 7:25	specialbeyond.com	WPPS
19	adsforsex.com	6/1/2012 9:21	freebiehuntersonline.com	WPPS
20	adsforsex.com	6/1/2012 12:03	clonecomponents.com	WPPS
21	adsforsex.com	6/2/2012 13:50	singularindulgence.com	WPPS
22	adsforsex.com	6/2/2012 13:50	singularindulgence.com	WPPS
23	adsforsex.com	6/3/2012 14:18	duetter.com	WPPS
24	adsforsex.com	6/5/2012 7:09	newmembernewsletters.com	WPPS
25	adsforsex.com	6/5/2012 11:52	freebiehuntersonline.com	WPPS
26	adsforsex.com	6/6/2012 14:32	bootignite.com	WPPS
27	adsforsex.com	6/7/2012 7:16	highendbizdeals.com	WPPS
28	adsforsex.com	6/7/2012 9:02	newsworthynotes.com	WPPS
29	adsforsex.com	6/7/2012 12:32	mailerinbox.com	WPPS

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CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
30	adsforsex.com	6/7/2012 14:00	festigion.com	WPPS
31	adsforsex.com	6/8/2012 6:49	customizeyourtech.com	WPPS
32	adsforsex.com	6/8/2012 12:22	hypewomanz.com	WPPS
33	adsforsex.com	6/9/2012 5:10	utreases.com	WPPS
34	adsforsex.com	6/10/2012 12:14	bestofferaround.com	WPPS
35	adsforsex.com	6/10/2012 13:49	virtualagendas.com	WPPS
36	adsforsex.com	6/11/2012 10:43	portwillow.com	WPPS
37	adsforsex.com	6/11/2012 12:20	binaryforgood.com	WPPS
38	adsforsex.com	6/12/2012 12:17	forinboxpayouts.com	WPPS
39	adsforsex.com	6/12/2012 12:17	highermailer.com	WPPS
40	adsforsex.com	6/13/2012 12:16	gigabytesandterabytes.com	WPPS
41	adsforsex.com	6/13/2012 14:31	frigidtwist.com	WPPS
42	adsforsex.com	6/13/2012 14:31	frigidtwist.com	WPPS
43	adsforsex.com	6/14/2012 6:26	mellowfleece.com	WPPS
44	adsforsex.com	6/14/2012 11:02	highercuts.com	WPPS
45	adsforsex.com	6/14/2012 11:03	multivariatemanager.com	WPPS
46	adsforsex.com	6/16/2012 8:05	notablenewsnetworks.com	WPPS
47	adsforsex.com	6/16/2012 8:05	tomcattreasures.com	WPPS
48	adsforsex.com	6/16/2012 9:55	powerparallel.com	WPPS
49	adsforsex.com	6/17/2012 11:52	redricereaction.com	WPPS
50	adsforsex.com	6/17/2012 12:44	fourteenblondefish.com	WPPS
51	adsforsex.com	6/19/2012 15:06	bendfrigid.com	WPPS
52	adsforsex.com	6/20/2012 12:04	gigabitsandmore.com	WPPS
53	adsforsex.com	6/21/2012 16:40	dating-hookups.com	WhoisGuard
54	adsforsex.com	6/22/2012 7:54	vibrantterraceview.com	WPPS
55	adsforsex.com	6/22/2012 21:27	lengthies.com	WPPS
56	adsforsex.com	6/22/2012 21:27	lengthies.com	WPPS
57	adsforsex.com	6/22/2012 21:27	lengthies.com	WPPS
58	adsforsex.com	6/23/2012 9:03	clonecomponents.com	WPPS
59	adsforsex.com	6/24/2012 7:27	forlegaloffers.com	WPPS
60	adsforsex.com	6/24/2012 7:27	forlegaloffers.com	WPPS
61	adsforsex.com	6/25/2012 3:17	coloringlines.com	WPPS
62	adsforsex.com	6/26/2012 7:11	memorywired.com	WPPS
63	adsforsex.com	6/26/2012 7:29	managasco.com	WPPS
64	adsforsex.com	6/26/2012 7:29	managasco.com	WPPS
65	adsforsex.com	6/26/2012 14:35	firstfather.com	WPPS
66	adsforsex.com	6/27/2012 9:10	intergalacticlove.com	WPPS
67	adsforsex.com	6/27/2012 15:16	baroches.com	WPPS
68	adsforsex.com	6/28/2012 10:31	nimbleprestonfilly.com	WPPS
69	adsforsex.com	6/28/2012 10:32	vibrantterraceview.com	WPPS

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CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
70	adsforsex.com	6/29/2012 7:17	cookiecomputertechs.com	WPPS
71	adsforsex.com	6/29/2012 7:18	mobiledemandexchange.com	WPPS
72	adsforsex.com	6/29/2012 11:23	restoringstrength.com	WPPS
73	adsforsex.com	6/29/2012 17:27	frigidtwist.com	WPPS
74	adsforsex.com	6/30/2012 7:28	intodealstoday.com	WPPS
75	adsforsex.com	6/30/2012 7:37	forinboxpayouts.com	WPPS
76	adsforsex.com	6/30/2012 10:27	datingdealhunter.com	WPPS
77	adsforsex.com	7/1/2012 8:07	capitalcoversheet.com	WPPS
78	adsforsex.com	7/1/2012 9:30	suspendinggold.com	WPPS
79	adsforsex.com	7/1/2012 23:38	frigidtwist.com	WPPS
80	adsforsex.com	7/2/2012 10:23	newsworthynotes.com	WPPS
81	adsforsex.com	7/3/2012 12:54	centuriescrossing.com	WPPS
82	adsforsex.com	7/5/2012 8:41	myplatinumdating.com	WPPS
83	adsforsex.com	7/5/2012 10:34	newsworthynotes.com	WPPS
84	adsforsex.com	7/6/2012 12:09	powerfuloceans.com	WPPS
85	adsforsex.com	7/6/2012 12:28	inboxmailforyou.com	WPPS
86	adsforsex.com	7/7/2012 8:18	simpleoffersavingsmedia.com	WPPS
87	adsforsex.com	7/8/2012 10:25	sixtyredgeese.com	WPPS
88	adsforsex.com	7/9/2012 13:04	restoringstrength.com	WPPS
89	adsforsex.com	7/9/2012 19:53	potentinent.com	WPPS
90	adsforsex.com	7/9/2012 20:09	enerally.com	WPPS
91	adsforsex.com	7/10/2012 7:43	auburnwingfly.com	WPPS
92	adsforsex.com	7/10/2012 12:05	cloudingallmeans.com	WPPS
93	adsforsex.com	7/10/2012 13:19	lostcourage.com	WPPS
94	adsforsex.com	7/11/2012 7:40	highermailer.com	WPPS
95	adsforsex.com	7/11/2012 9:37	browsingheadlines.com	WPPS
96	adsforsex.com	7/11/2012 11:37	yearlyadvent.com	WPPS
97	adsforsex.com	7/11/2012 12:31	inboxdealsdirect.com	WPPS
98	adsforsex.com	7/11/2012 13:39	vitative.com	WPPS
99	adsforsex.com	7/11/2012 23:45	teromona.com	Contact Privacy
100	adsforsex.com	7/12/2012 10:08	offeratlanticjumpstart.com	WPPS
101	adsforsex.com	7/13/2012 9:49	foreigncontinent.com	WPPS
102	adsforsex.com	7/13/2012 13:10	capitalcoversheet.com	WPPS
103	adsforsex.com	7/14/2012 0:32	myinsidervalues.com	WhoisGuard
104	adsforsex.com	7/14/2012 10:12	closedtrunks.com	WPPS
105	adsforsex.com	7/15/2012 10:28	twistfrigid.com	WPPS
106	adsforsex.com	7/16/2012 7:20	appearmanitowoc.com	WPPS
107	adsforsex.com	7/16/2012 10:47	sixtyredgeese.com	WPPS
108	adsforsex.com	7/16/2012 11:22	multimediamanagers.com	WPPS

CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
109	adsforsex.com	7/16/2012 20:57	candleframe.com	Contact Privacy
110	adsforsex.com	7/17/2012 9:34	majoraches.com	WPPS
111	adsforsex.com	7/17/2012 11:51	onlinedreamgirl.com	WPPS
112	adsforsex.com	7/18/2012 7:22	eyecatchingbands.com	WPPS
113	adsforsex.com	7/18/2012 11:38	stylishcouture.com	WPPS
114	adsforsex.com	7/19/2012 7:18	highercuts.com	WPPS
115	adsforsex.com	7/19/2012 7:35	myonlinediva.com	WPPS
116	adsforsex.com	7/19/2012 19:09	beachwindy.com	Contact Privacy
117	adsforsex.com	7/21/2012 10:08	cloudingallmeans.com	WPPS
118	adsforsex.com	7/22/2012 20:32	twistfrigid.com	WPPS
119	adsforsex.com	7/23/2012 10:33	midastouches.com	WPPS
120	adsforsex.com	7/23/2012 20:51	accounteers.com	WPPS
121	adsforsex.com	7/24/2012 1:50	increatment.com	WPPS
122	adsforsex.com	7/24/2012 6:07	boundlessformats.com	WPPS
123	adsforsex.com	7/24/2012 8:12	lovesurrendered.com	WPPS
124	adsforsex.com	7/24/2012 11:29	arawal.com	WPPS
125	adsforsex.com	7/25/2012 7:33	surpassthecircuit.com	WPPS
126	adsforsex.com	7/25/2012 8:05	capitalcoversheet.com	WPPS
127	adsforsex.com	7/25/2012 12:31	forlegaloffers.com	WPPS
128	adsforsex.com	7/25/2012 12:34	pioneeringpathways.com	WPPS
129	adsforsex.com	7/25/2012 13:04	thebureauoflove.com	WPPS
130	adsforsex.com	7/26/2012 12:40	fourteenblondfish.com	WPPS
131	adsforsex.com	7/27/2012 7:27	foreigncontinent.com	WPPS
132	adsforsex.com	7/27/2012 8:36	yourblazingmedia.com	WPPS
133	adsforsex.com	7/28/2012 9:34	crucialcaveats.com	WPPS
134	adsforsex.com	7/28/2012 9:48	newmembernewsletters.com	WPPS
135	adsforsex.com	7/29/2012 20:16	severall.com	WPPS
136	adsforsex.com	7/30/2012 15:07	imperviousinternet.com	WPPS
137	adsforsex.com	7/30/2012 17:17	frigidtwist.com	WPPS
138	adsforsex.com	7/31/2012 10:46	corporateoutlets.com	WPPS
139	adsforsex.com	8/2/2012 12:25	domaindiscoverables.com	WPPS
140	adsforsex.com	8/3/2012 9:48	yourblazingmedia.com	WPPS
141	adsforsex.com	8/3/2012 10:38	coloringlines.com	WPPS
142	adsforsex.com	8/4/2012 19:35	levelopmentain.com	WPPS
143	adsforsex.com	8/8/2012 7:38	appearmanitowoc.com	WPPS
144	adsforsex.com	8/9/2012 12:20	funhubonline.com	WPPS
145	adsforsex.com	8/9/2012 20:52	vitative.com	WPPS
146	adsforsex.com	8/9/2012 23:51	threeshapemovement.com	WPPS
147	adsforsex.com	8/28/2012 2:07	boonpaw.com	Contact Privacy
148	amateurmatch.com	5/12/2012 10:13	publicates.com	WPPS

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CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
149	amateurmatch.com	5/12/2012 10:13	publicates.com	WPPS
150	amateurmatch.com	5/14/2012 0:01	frigidtwist.com	WPPS
151	amateurmatch.com	5/15/2012 15:08	catalal.com	WPPS
152	amateurmatch.com	5/15/2012 15:08	catalal.com	WPPS
153	amateurmatch.com	5/20/2012 2:27	bootraw.com	WPPS
154	amateurmatch.com	5/20/2012 7:16	nailpocket.com	WPPS
155	amateurmatch.com	5/20/2012 7:16	nailpocket.com	WPPS
156	amateurmatch.com	5/22/2012 12:27	specialmailfor.com	WPPS
157	amateurmatch.com	5/22/2012 12:27	specialmailfor.com	WPPS
158	amateurmatch.com	5/23/2012 5:13	entials.com	WPPS
159	amateurmatch.com	5/23/2012 5:13	entials.com	WPPS
160	amateurmatch.com	5/24/2012 15:14	duetter.com	WPPS
161	amateurmatch.com	5/24/2012 15:14	duetter.com	WPPS
162	amateurmatch.com	5/26/2012 20:20	famount.com	WPPS
163	amateurmatch.com	5/26/2012 20:20	famount.com	WPPS
164	amateurmatch.com	5/28/2012 5:10	dispensive.com	WPPS
165	amateurmatch.com	5/28/2012 5:10	dispensive.com	WPPS
166	amateurmatch.com	5/28/2012 10:27	frigidtwist.com	WPPS
167	amateurmatch.com	5/28/2012 11:34	twistfrigid.com	WPPS
168	amateurmatch.com	6/1/2012 20:23	findyournewdatetonight.com	WPPS
169	amateurmatch.com	6/2/2012 20:19	forlegaloffers.com	WPPS
170	amateurmatch.com	6/6/2012 5:14	tellector.com	WPPS
171	amateurmatch.com	6/8/2012 17:30	twistfrigid.com	WPPS
172	amateurmatch.com	6/9/2012 17:26	frigidtwist.com	WPPS
173	amateurmatch.com	6/12/2012 20:23	fansienna.com	WPPS
174	amateurmatch.com	6/12/2012 20:23	fansienna.com	WPPS
175	amateurmatch.com	6/15/2012 15:33	twistfrigid.com	WPPS
176	amateurmatch.com	6/15/2012 21:28	contrological.com	WPPS
177	amateurmatch.com	6/16/2012 6:53	bendfrigid.com	WPPS
178	amateurmatch.com	6/19/2012 20:17	jobsthatpaynow.com	WPPS
179	amateurmatch.com	6/19/2012 20:17	jobsthatpaynow.com	WPPS
180	amateurmatch.com	6/20/2012 14:27	bendfrigid.com	WPPS
181	amateurmatch.com	6/20/2012 20:15	highreturnbiz.com	WPPS
182	amateurmatch.com	6/24/2012 20:20	seriousinbox.com	WPPS
183	amateurmatch.com	6/24/2012 20:20	seriousinbox.com	WPPS
184	amateurmatch.com	6/25/2012 12:25	intotoday.com	WPPS
185	amateurmatch.com	6/25/2012 20:13	famount.com	WPPS
186	amateurmatch.com	6/25/2012 20:22	fansienna.com	WPPS
187	amateurmatch.com	6/26/2012 7:16	highreturnbiz.com	WPPS
188	amateurmatch.com	6/26/2012 7:16	highreturnbiz.com	WPPS
189	amateurmatch.com	6/26/2012 20:58	duetter.com	WPPS
190	amateurmatch.com	6/26/2012 21:37	ironmentest.com	WPPS

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CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
191	amateurmatch.com	6/28/2012 15:24	entials.com	WPPS
192	amateurmatch.com	7/6/2012 21:34	confedered.com	WPPS
193	amateurmatch.com	7/7/2012 13:53	bendfrigid.com	WPPS
194	amateurmatch.com	7/8/2012 21:36	populateriod.com	WPPS
195	amateurmatch.com	7/9/2012 20:39	inboxpayouts.com	WPPS
196	amateurmatch.com	7/10/2012 20:04	magnetroof.com	WPPS
197	amateurmatch.com	7/15/2012 20:35	concentury.com	WPPS
198	amateurmatch.com	7/22/2012 20:40	decessful.com	WPPS
199	amateurmatch.com	7/28/2012 10:04	dispensive.com	WPPS
200	amateurmatch.com	7/31/2012 20:41	entials.com	WPPS
201	amateurmatch.com	8/1/2012 6:52	bendfrigid.com	WPPS
202	amateurmatch.com	8/9/2012 20:04	duetter.com	WPPS
203	cheaters.net	7/28/2012 14:36	startuck.com	Contact Privacy
204	cheaters.net	8/24/2012 14:10	beachwindy.com	Contact Privacy
205	cheaters.net	8/25/2012 14:02	smileysmooth.com	Contact Privacy
206	cheaters.net	9/11/2012 12:41	trailocean.com	Contact Privacy
207	datingaffair.com	5/19/2012 9:39	dating-hookups.com	WhoisGuard
208	datingaffair.com	7/6/2012 18:13	dating-hookups.com	WhoisGuard
209	datingaffair.com	7/9/2012 20:04	duetter.com	WPPS
210	datingaffair.com	7/10/2012 11:35	lapsebumps.com	WPPS
211	datingaffair.com	7/11/2012 15:34	restoringstrength.com	WPPS
212	datingaffair.com	7/12/2012 8:27	lostcourage.com	WPPS
213	datingaffair.com	7/14/2012 11:39	shornteels.com	WPPS
214	datingaffair.com	7/14/2012 13:05	lowcostsandyou.com	WPPS
215	datingaffair.com	7/14/2012 14:04	writingdirection.com	WPPS
216	datingaffair.com	7/15/2012 19:07	whoeveral.com	WPPS
217	datingaffair.com	7/16/2012 13:37	stylishcouture.com	WPPS
218	datingaffair.com	7/16/2012 13:51	contrated.com	WPPS
219	datingaffair.com	7/17/2012 14:08	appearmanitowoc.com	WPPS
220	datingaffair.com	7/18/2012 13:34	coloringlines.com	WPPS
221	datingaffair.com	7/19/2012 7:53	yearlyadvent.com	WPPS
222	datingaffair.com	7/20/2012 7:30	interwebplayground.com	WPPS
223	datingaffair.com	7/21/2012 9:05	thebureauoflove.com	WPPS
224	datingaffair.com	7/22/2012 10:08	treactic.com	WPPS
225	datingaffair.com	7/23/2012 7:36	interwebplayground.com	WPPS
226	datingaffair.com	7/23/2012 20:47	mosqueen.com	WPPS
227	datingaffair.com	7/24/2012 8:22	hypewomanz.com	WPPS
228	datingaffair.com	7/25/2012 6:37	puredigitaltargets.com	WPPS
229	datingaffair.com	7/26/2012 6:47	freebiehuntersonline.com	WPPS
230	datingaffair.com	7/26/2012 7:04	mobiledemandexchange.com	WPPS

CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
231	datingaffair.com	7/27/2012 7:27	foreigncontinent.com	WPPS
232	datingaffair.com	7/27/2012 12:05	playingoutfield.com	WPPS
233	datingaffair.com	7/28/2012 10:48	confederally.com	WPPS
234	datingaffair.com	7/29/2012 13:22	launderedfrogs.com	WPPS
235	datingaffair.com	8/1/2012 7:19	memorywired.com	WPPS
236	datingaffair.com	8/2/2012 12:25	onlinedreamgirl.com	WPPS
237	datingaffair.com	8/3/2012 12:55	contemporaryfollowers.com	WPPS
238	datingaffair.com	8/4/2012 7:48	binaryforgood.com	WPPS
239	datingaffair.com	8/4/2012 11:33	crucialcaveats.com	WPPS
240	datingaffair.com	8/4/2012 13:38	retreatsock.com	WPPS
241	datingaffair.com	8/6/2012 6:37	newsworthynotes.com	WPPS
242	datingaffair.com	8/7/2012 7:18	multivariatemanager.com	WPPS
243	datingaffair.com	8/7/2012 8:37	lovesurrendered.com	WPPS
244	datingaffair.com	8/7/2012 13:18	boonpaw.com	Contact Privacy
245	datingaffair.com	8/8/2012 6:57	thefreebieagency.com	WPPS
246	datingaffair.com	8/13/2012 16:22	smileysmooth.com	Contact Privacy
247	datingaffair.com	9/1/2012 14:06	boonpaw.com	Contact Privacy
248	datingaffair.com	9/5/2012 14:03	beachwindy.com	Contact Privacy
249	datingaffair.com	9/11/2012 12:42	oakchrome.com	Contact Privacy
250	findcheaters.com	7/18/2012 19:46	trailocean.com	Contact Privacy
251	findcheaters.com	7/19/2012 11:12	motionred.com	Contact Privacy
252	findcheaters.com	7/23/2012 12:20	metaldriver.com	Contact Privacy
253	findcheaters.com	8/5/2012 21:25	smileysmooth.com	Contact Privacy
254	findcheaters.com	8/31/2012 10:39	boonpaw.com	Contact Privacy
255	hookupbbw.com	8/2/2012 15:07	coloringlines.com	WPPS
256	hookupbbw.com	8/3/2012 11:40	characterior.com	WPPS
257	hookupbbw.com	8/6/2012 20:35	dispensive.com	WPPS
258	hookupbbw.com	8/8/2012 21:45	patricion.com	WPPS
259	localcheaters.com	6/28/2012 7:35	sidences.com	WPPS
260	localcheaters.com	7/6/2012 1:52	bendfrigid.com	WPPS
261	localcheaters.com	7/10/2012 20:36	perhaul.com	WPPS
262	localcheaters.com	7/26/2012 20:05	nailpocket.com	WPPS
263	speedboink.com	2/21/2009 3:35	MeetWomenTonightNow.com	AffiliatePrivacyProtection.com
264	speedboink.com	2/23/2009 2:12	BestDateBabesLive.com	AffiliatePrivacyProtection.com
265	speedboink.com	5/13/2012 11:16	DatingHookupDateLiveLove.com	AffiliatePrivacyProtection.com
266	speedboink.com	5/14/2012 7:37	DatingHookupDateLiveLove.com	AffiliatePrivacyProtection.com
267	speedboink.com	5/15/2012 11:56	DatingHookupMeetLiveLove.com	AffiliatePrivacyProtection.com

CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
268	speedboink.com	5/29/2012 20:10	Hookup-Tonight-Ez-Dates.com	AffiliatePrivacyProtection.com
269	speedboink.com	5/31/2012 19:25	LadiesMeetUnmarriedOnline.com	AffiliatePrivacyProtection.com
270	speedboink.com	6/2/2012 19:41	HookupDatingBoinkLive.com	AffiliatePrivacyProtection.com
271	speedboink.com	6/5/2012 13:36	LonelyDateMeetOnline.com	AffiliatePrivacyProtection.com
272	speedboink.com	6/30/2012 15:37	ConnectionTonightEasyDates.com	AffiliatePrivacyProtection.com
273	speedboink.com	7/26/2012 23:05	NightfallMeetupDating.com	AffiliatePrivacyProtection.com
274	speedboink.com	7/28/2012 2:55	DatingHookupMeetOnlineLove.com	AffiliatePrivacyProtection.com
275	speedboink.com	7/31/2012 15:00	DateBoink.com	AffiliatePrivacyProtection.com
276	speedboink.com	8/2/2012 19:34	SunsetMeetupDating.com	AffiliatePrivacyProtection.com
277	speedboink.com	8/15/2012 18:02	sexylovelaura.com	AffiliatePrivacyProtection.com
278	speedboink.com	8/18/2012 6:00	sweetfunhookups.net	AffiliatePrivacyProtection.com
279	speedboink.com	9/6/2012 19:06	amazinbj.com	AffiliatePrivacyProtection.com
280	spiceornice.com	5/21/2012 3:19	bendfrigid.com	WPPS
281	untrue.com	5/18/2012 20:22	rustcopper.com	WPPS
282	untrue.com	5/19/2012 20:15	famount.com	WPPS
283	untrue.com	5/19/2012 20:15	famount.com	WPPS
284	untrue.com	5/20/2012 8:25	turquoiseflippers.com	WPPS
285	untrue.com	5/20/2012 10:34	pixelsuccess.com	WPPS
286	untrue.com	5/20/2012 12:04	boundlessformats.com	WPPS
287	untrue.com	5/21/2012 9:02	notablenewsnetworks.com	WPPS
288	untrue.com	5/22/2012 13:04	measuretechnical.com	WPPS
289	untrue.com	5/24/2012 9:13	highlightedinformation.com	WPPS
290	untrue.com	5/24/2012 9:13	customizeyourtech.com	WPPS
291	untrue.com	5/25/2012 10:02	systemsregionaldevelopment.com	WPPS
292	untrue.com	5/25/2012 11:10	mellowfleece.com	WPPS
293	untrue.com	5/26/2012 6:26	sharphorizontalsquares.com	WPPS
294	untrue.com	5/26/2012 9:34	batchfilebrigade.com	WPPS
295	untrue.com	5/26/2012 9:34	boundlessformats.com	WPPS
296	untrue.com	5/26/2012 20:00	bendfrigid.com	WPPS
297	untrue.com	5/26/2012 21:21	bootraw.com	WPPS
298	untrue.com	5/28/2012 13:05	offeratlanticjumpstart.com	WPPS

CARPER SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
299	untrue.com	5/29/2012 9:36	auburnwingfly.com	WPPS
300	untrue.com	5/30/2012 7:34	eyecatchingbands.com	WPPS
301	untrue.com	5/30/2012 10:37	bestthingonline.com	WPPS
302	untrue.com	6/3/2012 11:11	silverbirchleaf.com	WPPS
303	untrue.com	6/4/2012 7:26	sixtysilvershells.com	WPPS
304	untrue.com	6/5/2012 9:27	metaldriver.com	Contact Privacy
305	untrue.com	6/12/2012 7:16	highreturnbiz.com	WPPS
306	untrue.com	6/13/2012 1:25	armolive.com	WPPS
307	untrue.com	6/14/2012 6:29	bootraw.com	WPPS
308	untrue.com	6/14/2012 7:50	bootinspire.com	WPPS
309	untrue.com	6/18/2012 6:59	silverbirchleaf.com	WPPS
310	untrue.com	6/18/2012 7:16	rustcopper.com	WPPS
311	untrue.com	6/18/2012 13:07	bendfrigid.com	WPPS
312	untrue.com	6/18/2012 13:11	frigidtwist.com	WPPS
313	untrue.com	6/19/2012 6:17	notablenewsnetworks.com	WPPS
314	untrue.com	6/19/2012 8:47	oakchrome.com	Contact Privacy
315	untrue.com	6/19/2012 12:41	vibrantterraceview.com	WPPS
316	untrue.com	6/20/2012 7:16	clonedclosures.com	WPPS
317	untrue.com	6/23/2012 4:05	dating-hookups.com	WhoisGuard
318	untrue.com	6/24/2012 7:16	magnetroof.com	WPPS
319	untrue.com	6/24/2012 7:16	magnetroof.com	WPPS
320	untrue.com	6/26/2012 5:10	baroches.com	WPPS
321	untrue.com	6/27/2012 18:45	twistfrigid.com	WPPS
322	untrue.com	6/28/2012 17:22	trailocean.com	Contact Privacy
323	untrue.com	7/16/2012 5:20	bucharid.com	WPPS
324	untrue.com	7/21/2012 2:19	twistfrigid.com	WPPS
325	untrue.com	8/5/2012 20:05	estallie.com	WPPS
326	xxxdating.com	6/14/2012 12:26	dating-hookups.com	WhoisGuard
327	xxxdating.com	6/14/2012 16:02	dating-hookups.com	WhoisGuard

64. Plaintiff FINK received 356 unlawful commercial emails advertising HENNING's websites. The table below shows the date/time, sending domain name, and third party owner/registrator of the domain name.

FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
1	adsforsex.com	2012-05-17 1158	yahoo.com	Yahoo Inc.
2	adsforsex.com	2012-05-25 0658	empoweredwebmedia.com	WPPS
3	adsforsex.com	2012-05-25 0834	cookiecomputertechs.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
4	adsforsex.com	2012-05-26 0732	customizyourtech.com	WPPS
5	adsforsex.com	2012-05-26 0738	sixtyredgeese.com	WPPS
6	adsforsex.com	2012-05-27 0844	megabitsnews.com	WPPS
7	adsforsex.com	2012-05-27 1050	virtualagendas.com	WPPS
8	adsforsex.com	2012-05-27 1946	dating-hookups.com	WhoisGuard
9	adsforsex.com	2012-05-28 0852	temptingtransmission.com	WPPS
10	adsforsex.com	2012-05-28 1050	techinstalling.com	WPPS
11	adsforsex.com	2012-05-29 1011	levelsixtyfour.com	WPPS
12	adsforsex.com	2012-05-29 1137	webpassiongroup.com	WPPS
13	adsforsex.com	2012-05-29 1234	supportinstall.com	WPPS
14	adsforsex.com	2012-05-30 1139	singularindulgence.com	WPPS
15	adsforsex.com	2012-05-30 1340	frigidtwist.com	WPPS
16	adsforsex.com	2012-05-31 1104	solutiontransfer.com	WPPS
17	adsforsex.com	2012-05-31 1105	poststrategicimpressions.com	WPPS
18	adsforsex.com	2012-05-31 1150	multivariatemanager.com	WPPS
19	adsforsex.com	2012-06-01 0922	interwebplayground.com	WPPS
20	adsforsex.com	2012-06-01 1034	surpassthecircuit.com	WPPS
21	adsforsex.com	2012-06-01 1203	poststrategicimpressions.com	WPPS
22	adsforsex.com	2012-06-01 1203	systemsregionaldevelopment.com	WPPS
23	adsforsex.com	2012-06-02 0957	alterfixall.com	WPPS
24	adsforsex.com	2012-06-02 1319	highercuts.com	WPPS
25	adsforsex.com	2012-06-02 1350	cloudingallmeans.com	WPPS
26	adsforsex.com	2012-06-02 1441	bootinspire.com	WPPS
27	adsforsex.com	2012-06-03 1114	halohallux.com	WPPS
28	adsforsex.com	2012-06-03 1250	cookiecomputertechs.com	WPPS
29	adsforsex.com	2012-06-04 0832	tomcattreasures.com	WPPS
30	adsforsex.com	2012-06-04 0838	nimbleprestonfilly.com	WPPS
31	adsforsex.com	2012-06-04 1050	poststrategicimpressions.com	WPPS
32	adsforsex.com	2012-06-05 0709	surpassthecircuit.com	WPPS
33	adsforsex.com	2012-06-05 0709	cloudingallmeans.com	WPPS
34	adsforsex.com	2012-06-05 1119	solitarynews.com	WPPS
35	adsforsex.com	2012-06-05 1153	lustfulencounter.com	WPPS
36	adsforsex.com	2012-06-06 1838	bendfrigid.com	WPPS
37	adsforsex.com	2012-06-07 1224	heavilymarkedimpact.com	WPPS
38	adsforsex.com	2012-06-08 0649	puredigitaltargets.com	WPPS
39	adsforsex.com	2012-06-08 0650	favorablefactors.com	WPPS

FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
40	adsforsex.com	2012-06-08 1134	highercuts.com	WPPS
41	adsforsex.com	2012-06-08 1222	lustfulencounter.com	WPPS
42	adsforsex.com	2012-06-09 1250	regularinput.com	WPPS
43	adsforsex.com	2012-06-10 1037	mellowfleece.com	WPPS
44	adsforsex.com	2012-06-10 1316	roughexistence.com	WPPS
45	adsforsex.com	2012-06-10 1349	gigabitsandmore.com	WPPS
46	adsforsex.com	2012-06-11 1119	eyecatchingbands.com	WPPS
47	adsforsex.com	2012-06-11 1758	milkaardvark.com	WPPS
48	adsforsex.com	2012-06-12 1119	favorablefactors.com	WPPS
49	adsforsex.com	2012-06-13 1038	funhubonline.com	WPPS
50	adsforsex.com	2012-06-13 1119	poststrategicimpression s.com	WPPS
51	adsforsex.com	2012-06-13 1217	poweredprogramming.c om	WPPS
52	adsforsex.com	2012-06-13 1407	frigidtwist.com	WPPS
53	adsforsex.com	2012-06-14 0626	memorywired.com	WPPS
54	adsforsex.com	2012-06-14 1103	rewardedsuccess.com	WPPS
55	adsforsex.com	2012-06-14 1150	multivariatemanager.co m	WPPS
56	adsforsex.com	2012-06-14 1714	dotblind.com	WPPS
57	adsforsex.com	2012-06-15 1050	notablenewsnetworks.c om	WPPS
58	adsforsex.com	2012-06-16 1219	rewardedsuccess.com	WPPS
59	adsforsex.com	2012-06-17 1219	solitarynews.com	WPPS
60	adsforsex.com	2012-06-18 2015	bendfrigid.com	WPPS
61	adsforsex.com	2012-06-19 1050	clonecomponents.com	WPPS
62	adsforsex.com	2012-06-20 1004	dogcrab.com	WPPS
63	adsforsex.com	2012-06-20 1004	dogcrab.com	WPPS
64	adsforsex.com	2012-06-20 1105	mobiledemandexchang e.com	WPPS
65	adsforsex.com	2012-06-20 1204	singularindulgence.com	WPPS
66	adsforsex.com	2012-06-21 0947	magicskyline.com	WPPS
67	adsforsex.com	2012-06-21 1132	lovecaptainship.com	WPPS
68	adsforsex.com	2012-06-21 1352	dating-hookups.com	WhoisGuard
69	adsforsex.com	2012-06-22 0620	binaryforgood.com	WPPS
70	adsforsex.com	2012-06-22 0755	auburnwingfly.com	WPPS
71	adsforsex.com	2012-06-23 0903	clonecomponents.com	WPPS
72	adsforsex.com	2012-06-23 0903	newmembernewsletters .com	WPPS
73	adsforsex.com	2012-06-24 1112	midnightskymedia.com	WPPS
74	adsforsex.com	2012-06-26 0711	smith.crucialcaveats.co m	WPPS
75	adsforsex.com	2012-06-26 1050	batchfilebrigade.com	WPPS
76	adsforsex.com	2012-06-27 1050	clonedclosures.com	WPPS
77	adsforsex.com	2012-06-28 1050	puredigitaltargets.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
78	adsforsex.com	2012-06-29 0717	poststrategicimpression s.com	WPPS
79	adsforsex.com	2012-06-29 0717	techinstalling.com	WPPS
80	adsforsex.com	2012-06-29 1620	bendfrigid.com	WPPS
81	adsforsex.com	2012-06-30 1051	targetcomponent.com	WPPS
82	adsforsex.com	2012-06-30 1308	rhythmintensity.com	WPPS
83	adsforsex.com	2012-07-01 0949	datingdealhunter.com	WPPS
84	adsforsex.com	2012-07-01 1021	bullmarketmanagement .com	WPPS
85	adsforsex.com	2012-07-01 1140	starclevertech.com	WPPS
86	adsforsex.com	2012-07-02 1023	binaryforgood.com	WPPS
87	adsforsex.com	2012-07-02 1023	mobiledemandexchang e.com	WPPS
88	adsforsex.com	2012-07-02 1053	thebureauoflove.com	WPPS
89	adsforsex.com	2012-07-02 1250	eyecatchingbands.com	WPPS
90	adsforsex.com	2012-07-03 1127	lustfulencounter.com	WPPS
91	adsforsex.com	2012-07-04 0611	smith.crucialcaveats.co m	WPPS
92	adsforsex.com	2012-07-04 0815	shesheadoverheels.co m	WPPS
93	adsforsex.com	2012-07-05 0744	lovecaptainship.com	WPPS
94	adsforsex.com	2012-07-05 0838	onlinedreamgirl.com	WPPS
95	adsforsex.com	2012-07-05 0856	temptingtransmission.c om	WPPS
96	adsforsex.com	2012-07-05 1033	solitarynews.com	WPPS
97	adsforsex.com	2012-07-05 1033	mobiledemandexchang e.com	WPPS
98	adsforsex.com	2012-07-06 0937	celestialconcept.com	WPPS
99	adsforsex.com	2012-07-06 1317	vynilid.com	WPPS
100	adsforsex.com	2012-07-07 0749	marketplaceforbiz.com	WPPS
101	adsforsex.com	2012-07-07 0818	batchfilebrigade.com	WPPS
102	adsforsex.com	2012-07-08 0955	bullmarketmanagement .com	WPPS
103	adsforsex.com	2012-07-08 1039	eyecatchingbands.com	WPPS
104	adsforsex.com	2012-07-08 1241	appearmanitowoc.com	WPPS
105	adsforsex.com	2012-07-09 0758	hoopmount.com	Contact Privacy
106	adsforsex.com	2012-07-09 0834	notablenewsnetworks.c om	WPPS
107	adsforsex.com	2012-07-09 1945	laugh.freewart.com	WPPS
108	adsforsex.com	2012-07-10 0643	hiddenhalodating.com	WPPS
109	adsforsex.com	2012-0710 0740	eyecatchingbands.com	WPPS
110	adsforsex.com	2012-07-10 0751	midnightskymedia.com	WPPS
111	adsforsex.com	2012-07-10 1115	hypewomanz.com	WPPS
112	adsforsex.com	2012-07-10 1204	clonedclosures.com	WPPS
113	adsforsex.com	2012-07-10 1204	regularinput.com	WPPS
114	adsforsex.com	2012-07-11 0731	successoffical.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
115	adsforsex.com	2012-07-11 1346	potentinent.com	WPPS
116	adsforsex.com	2012-07-11 1637	scissorsnap.com	WPPS
117	adsforsex.com	2012-07-12 1008	megabitsnews.com	WPPS
118	adsforsex.com	2012-07-13 0704	temptingtransmission.com	WPPS
119	adsforsex.com	2012-07-14 0956	zippyindexes.com	WPPS
120	adsforsex.com	2012-07-14 1010	fourteenblondfish.com	WPPS
121	adsforsex.com	2012-07-14 1547	dating-hookups.com	WhoisGuard
122	adsforsex.com	2012-07-15 0756	batchfilebrigade.com	WPPS
123	adsforsex.com	2012-07-15 1058	twistfrigid.com	WPPS
124	adsforsex.com	2012-07-15 1741	screamssayonara.com	WPPS
125	adsforsex.com	2012-07-16 0717	starcrossedlove.com	WPPS
126	adsforsex.com	2012-07-16 0718	favorablefactors.com	WPPS
127	adsforsex.com	2012-07-16 1122	megabitmodems.com	WPPS
128	adsforsex.com	2012-07-17 0740	clonecomponents.com	WPPS
129	adsforsex.com	2012-07-17 1149	thefreebieagency.com	WPPS
130	adsforsex.com	2012-07-17 1353	redricereaction.com	WPPS
131	adsforsex.com	2012-07-17 1622	dotblind.com	WPPS
132	adsforsex.com	2012-07-18 0721	cookiecomputertechs.com	WPPS
133	adsforsex.com	2012-07-18 1031	indexingorder.com	WPPS
134	adsforsex.com	2012-07-19 0718	multivariatemanager.com	WPPS
135	adsforsex.com	2012-07-19 1327	roughexistence.com	WPPS
136	adsforsex.com	2012-07-20 1348	dogcrab.com	WPPS
137	adsforsex.com	2012-07-21 1007	supportinstall.com	WPPS
138	adsforsex.com	2012-07-21 1008	archiveddatabase.com	WPPS
139	adsforsex.com	2012-07-22 0824	temptingtransmission.com	WPPS
140	adsforsex.com	2012-07-22 2131	frigidtwist.com	WPPS
141	adsforsex.com	2012-07-24 0606	declarationbroadcasts.com	WPPS
142	adsforsex.com	2012-07-24 0607	regularinput.com	WPPS
143	adsforsex.com	2012-07-25 0733	tomcattreasures.com	WPPS
144	adsforsex.com	2012-07-25 0748	midnightskymedia.com	WPPS
145	adsforsex.com	2012-07-26 1129	datingfanclub.com	WPPS
146	adsforsex.com	2012-07-26 1240	levelsixtyfour.com	WPPS
147	adsforsex.com	2012-07-26 1351	redorangefusion.com	WPPS
148	adsforsex.com	2012-07-27 0621	targetcomponent.com	WPPS
149	adsforsex.com	2012-07-27 1700	pearlofthestars.com	WPPS
150	adsforsex.com	2012-07-28 0947	singularindulgence.com	WPPS
151	adsforsex.com	2012-07-28 1006	datingdealhunter.com	WPPS
152	adsforsex.com	2012-07-29 1324	fourteenblondfish.com	WPPS
153	adsforsex.com	2012-07-29 1803	offshorerunning.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
154	adsforsex.com	2012-07-29-1813	offshorerunning.com	WPPS
155	adsforsex.com	2012-07-30 0622	mobiledemandexchange.com	WPPS
156	adsforsex.com	2012-07-31 0807	intergalacticlove.com	WPPS
157	adsforsex.com	2012-07-31 1503	bitrateadvisors.com	WPPS
158	adsforsex.com	2012-08-01 1026	roughexistence.com	WPPS
159	adsforsex.com	2012-08-03 1052	binaryforgood.com	WPPS
160	adsforsex.com	2012-08-07 1329	vynilid.com	WPPS
161	adsforsex.com	2012-08-12 1316	fasterknutsbulb.com	WPPS
162	adsforsex.com	2012-08-17 1643	fasterknutsbulb.com	WPPS
163	adsforsex.com	2012-08-19 1238	metaldriver.com	Contact Privacy
164	adsforsex.com	2012-08-21 1310	metaldriver.com	Contact Privacy
165	adsforsex.com	2012-08-29 1628	fasterknutsbulb.com	WPPS
166	adsforsex.com	2012-10-23 0711	smileysmooth.com	Contact Privacy
167	adsforsex.com	2012-10-25 0705	wildtamer.com	Contact Privacy
168	adsforsex.com	2012-10-30 0844	plantingpin.com	Contact Privacy
169	adsforsex.com	2012-10-31 0757	stoneysilk.com	Contact Privacy
170	adsforsex.com	2012-11-15 0613	howlking.com	Contact Privacy
171	adsforsex.com	2012-12-11 0849	jadedcat.com	Contact Privacy
172	adsforsex.com	2012-12-16 2229	hammernailer.com	Contact Privacy
173	adsforsex.com	2012-12-18 1055	nestybear.com	Contact Privacy
174	adsforsex.com	2012-12-21-1149	hammernailer.com	Contact Privacy
175	adsforsex.com	2012-12-25 0134	nestybear.com	Contact Privacy
176	adsforsex.com	2012-12-28 0135	nestybear.com	Contact Privacy
177	adsforsex.com	2012-12-30 1344	nestybear.com	Contact Privacy
178	adsforsex.com	2013-01-03 0344	hammernailer.com	Contact Privacy
179	adsforsex.com	2013-01-06 1253	hammernailer.com	Contact Privacy
180	adsforsex.com	2013-01-10 0106	nestybear.com	Contact Privacy
181	adsforsex.com	2013-01-13 1206	hammernailer.com	Contact Privacy
182	adsforsex.com	2013-01-17 0529	hammernailer.com	Contact Privacy
183	adsforsex.com	2013-01-20 1641	hammernailer.com	Contact Privacy
184	amateurmatch.com	2012-01-05 1852	hiddenhalodating.com	WPPS
185	amateurmatch.com	2012-01-15 1156	hiddenhalodating.com	WPPS
186	amateurmatch.com	2012-01-16 0941	hotvaline.com	WPPS
187	amateurmatch.com	2012-01-18 0850	scubawhy.com	WPPS
188	amateurmatch.com	2012-01-19 1258	bendfrigid.com	WPPS
189	amateurmatch.com	2012-01-20 0003	bootignite.com	WPPS
190	amateurmatch.com	2012-01-22 0655	frigidtwist.com	WPPS
191	amateurmatch.com	2012-02-14 1926	craigsecuredat.net	Moniker Privacy Services
192	amateurmatch.com	2012-02-21 0856	craigdaters.com	WhoisGuard
193	amateurmatch.com	2012-02-21 0939	syncormail.com	Fundacion Private Whois (Whois Private)

FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
194	amateurmatch.com	2012-02-21 1012	craigsecuredat.net	Moniker Privacy Services
195	amateurmatch.com	2012-02-21 1130	craigdaters.com	WhoisGuard
196	amateurmatch.com	2012-02-25 0725	craigdaters.com	WhoisGuard
197	amateurmatch.com	2012-03-03 0133	craigdaters.com	WhoisGuard
198	amateurmatch.com	2012-03-08 0537	tplemail.com	WhoisGuard
199	amateurmatch.com	2012-03-10 0929	craigsecuredat.net	Moniker Privacy Services
200	amateurmatch.com	2012-03-10 1109	craigdaters.com	WhoisGuard
201	amateurmatch.com	2012-03-11 1937	craigsecuredat.net	Moniker Privacy Services
202	amateurmatch.com	2012-03-23 1257	casualmeetup.com	WhoisGuard
203	amateurmatch.com	2012-04-21 0941	aolanon.com	Fundacion Private Whois
204	amateurmatch.com	2012-05-16 2353	bendfrigid.com	WPPS
205	amateurmatch.com	2012-05-25 2133	bendfrigid.com	WPPS
206	amateurmatch.com	2012-05-26 1634	dating-hookups.com	WhoisGuard
207	amateurmatch.com	2012-06-05 1900	bendfrigid.com	WPPS
208	amateurmatch.com	2012-06-16 0604	frigidtwist.com	WPPS
209	amateurmatch.com	2012-06-20 0718	aolanon.com	Fundacion Private Whois
210	amateurmatch.com	2012-07-13 0922	twistfrigid.com	WPPS
211	amateurmatch.com	2012-07-22 0740	twistfrigid.com	WPPS
212	amateurmatch.com	2012-09-21 1349	aolanon.com	Fundacion Private Whois
213	amateurmatch.com	2012-09-25 0828	hookupmailz.com	Fundacion Private Whois
214	cheaters.net	2012-09-10 0543	spacespeaker.com	Contact Privacy
215	cheaters.net	2012-09-11 1241	startuck.com	Contact Privacy
216	cheaters.net	2012-09-13 0541	wonsoolo.com	Contact Privacy
217	cheaters.net	2013-01-17 1142	copperbat.com	Contact Privacy
218	datingaffair.com	2012-05-18 0903	dating-hookups.com	WhoisGuard
219	datingaffair.com	2012-07-07 1009	dating-hookups.com	WhoisGuard
220	datingaffair.com	2012-07-16 1008	favorablefactors.com	WPPS
221	datingaffair.com	2012-07-16 1008	favorablefactors.com	WPPS
222	datingaffair.com	2012-07-16 1401	inboxextravaganza.com	WPPS
223	datingaffair.com	2012-07-17 0623	modernspaceliving.com	WPPS
224	datingaffair.com	2012-07-18 1250	intergalacticpassion.com	WPPS
225	datingaffair.com	2012-07-19 0939	modernspaceliving.com	WPPS
226	datingaffair.com	2012-07-21-0724	scissorshade.com	WPPS
227	datingaffair.com	2012-07-23 0658	redricereaction.com	WPPS
228	datingaffair.com	2012-07-23 0733	cupidassistant.com	WPPS
229	datingaffair.com	2012-07-23 1106	spectaculardistribution.com	WPPS
230	datingaffair.com	2012-07-24 1204	needednewsgroup.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
231	datingaffair.com	2012-07-25 1217	magicskyline.com	WPPS
232	datingaffair.com	2012-07-26 0703	poststrategicimpression s.com	WPPS
233	datingaffair.com	2012-07-27 0758	poststrategicimpression s.com	WPPS
234	datingaffair.com	2012-07-27 0806	webpassiongroup.com	WPPS
235	datingaffair.com	2012-07-27 1301	gigabitexplosion.com	WPPS
236	datingaffair.com	2012-07-27-1722	pearlofthestars.com	WPPS
237	datingaffair.com	2012-07-28 0856	archiveddatabase.com	WPPS
238	datingaffair.com	2012-07-28 1051	techinstalling.com	WPPS
239	datingaffair.com	2012-07-28 1344	combinecrystalresults.c om	WPPS
240	datingaffair.com	2012-07-28 1821	pinkwatermelonseeds.c om	WPPS
241	datingaffair.com	2012-07-28 1821	pinkwatermelonseeds.c om	WPPS
242	datingaffair.com	2012-07-28 1822	pinkwatermelonseeds.c om	WPPS
243	datingaffair.com	2012-07-29 0948	tomcattreasures.com	WPPS
244	datingaffair.com	2012-07-29 0948	megabitsnews.com	WPPS
245	datingaffair.com	2012-07-29 1025	archiveddatabase.com	WPPS
246	datingaffair.com	2012-07-29 1204	wirelesshappenings.co m	WPPS
247	datingaffair.com	2012-07-29 1514	qualityblitz es.com	WPPS
248	datingaffair.com	2012-07-29-1008	plentifulbandwidth.com	WPPS
249	datingaffair.com	2012-07-30 0802	fourteenblondefish.com	WPPS
250	datingaffair.com	2012-07-30 1225	cupidassistant.com	WPPS
251	datingaffair.com	2012-07-30 1431	wirelesshappenings.co m	WPPS
252	datingaffair.com	2012-07-30 1523	wirelesshappenings.co m	WPPS
253	datingaffair.com	2012-07-31 0621	archiveddatabase.com	WPPS
254	datingaffair.com	2012-07-31 0622	solutiontransfer.com	WPPS
255	datingaffair.com	2012-08-06 1131	thewirelessconsumer.c om	WPPS
256	datingaffair.com	2012-08-06 2151	dogcrab.com	WPPS
257	datingaffair.com	2012-08-07 1750	dogcrab.com	WPPS
258	datingaffair.com	2012-08-10 1413	breakant.com	WPPS
259	datingaffair.com	2012-08-12 1024	dotblind.com	WPPS
260	datingaffair.com	2012-08-19 0807	combinecrystalresults.c om	WPPS
261	datingaffair.com	2012-08-21 1352	vynilid.com	WPPS
262	datingaffair.com	2012-09-11 1242	beachwindy.com	Contact Privacy
263	datingaffair.com	2012-12-01 0137	jadedcat.com	Contact Privacy
264	findcheaters.com	2012-10-30 1119	travelerking.com	Contact Privacy
265	hookupbbw.com	2012-08-12 2005	firstkettlematter.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
266	localcheaters.com	2012-07-06 1424	bendfrigid.com	WPPS
267	localcheaters.com	2012-10-29 0348	swiftdancer.com	Contact Privacy
268	localcheaters.com	2012-12-22 1131	hammernailer.com	Contact Privacy
269	localcheaters.com	2012-12-25 2314	nestybear.com	Contact Privacy
270	speedboink.com	2013-03-13 0202	gracfullee.com	Domains By Proxy, LLC
271	speedboink.com	2013-03-13 0655	greenwood-realty.com	Domains By Proxy, LLC
272	untrue.com	2012-01-18 1041	stemrestudy.com	WPPS
273	untrue.com	2012-01-18 1041	stemrestudy.com	WPPS
274	untrue.com	2012-01-24 1249	pearlofsthestars.com	WPPS
275	untrue.com	2012-01-28 1421	hiddenhalodating.com	WPPS
276	untrue.com	2012-01-29 1029	datingpath-way.com	WPPS
277	untrue.com	2012-01-31-0801	citidelgulf.com	WPPS
278	untrue.com	2012-02-01 0855	clavicleswearing.com	WPPS
279	untrue.com	2012-02-03 0711	dating-hookups.com	WhoisGuard
280	untrue.com	2012-02-07 0754	vynilid.com	WPPS
281	untrue.com	2012-02-07 2348	frigidtide.com	WPPS
282	untrue.com	2012-04-08 0137	hotmail.com	Microsoft Corporation
283	untrue.com	2012-04-24 1050	yahoo.com	Yahoo Inc.
284	untrue.com	2012-05-02 0934	megabitsnews.com	WPPS
285	untrue.com	2012-05-03 1004	halfhourhosting.com	WPPS
286	untrue.com	2012-05-04 0707	regularinput.com	WPPS
287	untrue.com	2012-05-04 1104	zippyindexes.com	WPPS
288	untrue.com	2012-05-05 1049	needednewsgroup.com	WPPS
289	untrue.com	2012-05-06 0902	supportinstall.com	WPPS
290	untrue.com	2012-05-06 1149	measuretechnical.com	WPPS
291	untrue.com	2012-05-07 1043	solutiontransfer.com	WPPS
292	untrue.com	2012-05-07 1049	pixelsuccess.com	WPPS
293	untrue.com	2012-05-08 0832	highercuts.com	WPPS
294	untrue.com	2012-05-08 1049	proactiveoffers.com	WPPS
295	untrue.com	2012-05-09 0918	supportinstall.com	WPPS
296	untrue.com	2012-05-09 1249	gigabitsandmore.com	WPPS
297	untrue.com	2012-05-10 1049	clonecomponents.com	WPPS
298	untrue.com	2012-05-10 1202	lowcostsandyou.com	WPPS
299	untrue.com	2012-05-11 1047	yahoo.com	Yahoo Inc.
300	untrue.com	2012-05-11 1149	proactiveoffers.com	WPPS
301	untrue.com	2012-05-12 1133	poststrategicimpression s.com	WPPS
302	untrue.com	2012-05-12 1219	surpassthecircuit.com	WPPS
303	untrue.com	2012-05-13 1249	temptingtransmission.c om	WPPS
304	untrue.com	2012-05-13 1347	singularindulgence.com	WPPS

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FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
305	untrue.com	2012-05-14 0643	regularinput.com	WPPS
306	untrue.com	2012-05-14 1219	needednewsgroup.com	WPPS
307	untrue.com	2012-05-15 1050	pixelsuccess.com	WPPS
308	untrue.com	2012-05-16 0732	newsworthynotes.com	WPPS
309	untrue.com	2012-05-16 1050	archiveddatabase.com	WPPS
310	untrue.com	2012-05-17 1004	virtualagendas.com	WPPS
311	untrue.com	2012-05-18 1049	clonedclosures.com	WPPS
312	untrue.com	2012-05-20 1104	virtualagendas.com	WPPS
313	untrue.com	2012-05-20 1204	offeratlanticjumpstart.com	WPPS
314	untrue.com	2012-05-21 0902	favorablefactors.com	WPPS
315	untrue.com	2012-05-21 1050	newmembernewsletters.com	WPPS
316	untrue.com	2012-05-21 1104	gigabitsandmore.com	WPPS
317	untrue.com	2012-05-22 1304	needednewsgroup.com	WPPS
318	untrue.com	2012-05-22 1739	dotblind.com	WPPS
319	untrue.com	2012-05-23 1150	binaryforgood.com	WPPS
320	untrue.com	2012-05-23-0656	visitingflower.com	WPPS
321	untrue.com	2012-05-24 0913	megabitsnews.com	WPPS
322	untrue.com	2012-05-24 0913	poweredprogramming.com	WPPS
323	untrue.com	2012-05-24 1234	notablenewsnetworks.com	WPPS
324	untrue.com	2012-05-25 1002	gigabitsandmore.com	WPPS
325	untrue.com	2012-05-25 1110	onlineacadamia.com	WPPS
326	untrue.com	2012-05-26 0626	levelsixtyfour.com	WPPS
327	untrue.com	2012-05-26 2229	frigidtide.com	WPPS
328	untrue.com	2012-05-28 1301	mobiledemandexchange.com	WPPS
329	untrue.com	2012-05-28 1305	declarationbroadcasts.com	WPPS
330	untrue.com	2012-05-29 0937	onlineacadamia.com	WPPS
331	untrue.com	2012-05-30-1037	intergalacticlove.com	WPPS
332	untrue.com	2012-05-31 1043	fourteenblondefish.com	WPPS
333	untrue.com	2012-06-01 1255	choosedatingservices.com	WPPS
334	untrue.com	2012-06-03 1111	ashbourneflyfall.com	WPPS
335	untrue.com	2012-06-04 0719	regularinput.com	WPPS
336	untrue.com	2012-06-04 0719	supportinstall.com	WPPS
337	untrue.com	2012-06-04 1308	platinumplaymate.com	WPPS
338	untrue.com	2012-06-05 0802	halfhourhosting.com	WPPS
339	untrue.com	2012-06-05 0802	singularindulgence.com	WPPS
340	untrue.com	2012-06-08 0754	milkaardvark.com	WPPS
341	untrue.com	2012-06-08 0917	lustfulencounter.com	WPPS
342	untrue.com	2012-06-11 0750	regularinput.com	WPPS

FINK SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
343	untrue.com	2012-06-12 0747	eyecatchingbands.com	WPPS
344	untrue.com	2012-06-17 1001	gigabitsandmore.com	WPPS
345	untrue.com	2012-06-17 1228	bullmarketmanagement.com	WPPS
346	untrue.com	2012-06-18 0623	breakant.com	WPPS
347	untrue.com	2012-06-18 0659	vibrantterraceview.com	WPPS
348	untrue.com	2012-06-19 0617	gigabytesandterabytes.com	WPPS
349	untrue.com	2012-06-19 1241	nimbleprestonfilly.com	WPPS
350	untrue.com	2012-06-20 0722	dogmainsurance.com	WPPS
351	untrue.com	2012-06-23 0639	dating-hookups.com	WhoisGuard
352	untrue.com	2012-06-24 1214	thornleysmart.com	Whois Privacy Protection Services Inc.
353	untrue.com	2012-06-28 0502	bendfrigid.com	WPPS
354	untrue.com	2012-07-20 2353	twistfrigid.com	WPPS
355	untrue.com	2012-11-13 0328	motionred.com	Contact Privacy
356	untrue.com	2013-03-18 1645	yahoo.com	Yahoo Inc.

65. Plaintiff HILL received 26 unlawful commercial emails advertising HENNING's websites. The table below shows the date/time, sending domain name, and third party owner/registrator of the domain name.

HILL SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
1	amateurmatch.com	2013-03-01 1318	divescript.com	WPPS
2	amateurmatch.com	2013-03-14 1645	offspringposition.com	WPPS
3	amateurmatch.com	2013-03-14 1340	towflat.com	WPPS
4	amateurmatch.com	2013-03-15 1629	misunderstandjealous.com	WPPS
5	cheatinghousewives.com	2013-03-03 1229	deckperson.com	WPPS
6	cheatinghousewives.com	2013-03-05 1422	fleshbreak.com	WPPS
7	cheatinghousewives.com	2013-03-07 1110	pepshowed.com	WPPS
8	cheatinghousewives.com	2013-03-09 1130	stayscozie.com	WPPS
9	cheatinghousewives.com	2013-03-11 1424	medicalfossil.com	WPPS
10	cheatinghousewives.com	2013-03-15 1232	deeptweed.com	WPPS
11	cheatinghousewives.com	2013-03-17 1559	homeysuits.com	WPPS

HILL SPAM #	HENNING WEBSITE	DATE/TIME	DOMAIN NAME	3RD PARTY OWNER/ REGISTRANT
12	cheatinghousewives.com	2013-03-19 1255	whitebumpy.com	WPPS
13	cheatinghousewives.com	2013-03-21 1310	chilltint.com	WPPS
14	cheatinghousewives.com	2013-03-23 1340	gapmow.com	WPPS
15	cheatinghousewives.com	2013-03-25 1235	muchbefore.com	WPPS
16	cheatinghousewives.com	2013-03-27 1310	mintdark.com	WPPS
17	cheatinghousewives.com	2013-03-29 1311	dentroof.com	WPPS
18	cheatinghousewives.com	2013-03-31 1250	dentroof.com	WPPS
19	cheatinghousewives.com	2013-04-03 1334	saddlewater.com	WPPS
20	cheatinghousewives.com	2013-04-05 1406	torneasy.com	WPPS
21	cheatinghousewives.com	2013-04-07 1810	striploud.com	WPPS
22	cheatinghousewives.com	2013-04-09 1305	extramain.com	WPPS
23	cheatinghousewives.com	2013-04-11 1351	hollywahoo.com	WPPS
24	cheatinghousewives.com	2013-04-13 1410	awfuleasy.com	WPPS
25	cheatinghousewives.com	2013-04-15 1319	marssaddle.com	WPPS
26	cheatinghousewives.com	2013-04-18 1424	saddlewater.com	WPPS

C. Defendants are Strictly Liable for Unlawful Spams Sent By Their Affiliates

66. Plaintiffs are informed and believe and thereon allege that HENNING contracts with third party “affiliates” (a/k/a “publishers”) to advertise *AmateurMatch.com* and his other websites.

67. No one forced HENNING to outsource any of his advertising to third party spammers.

68. Advertisers such as HENNING are liable for advertising in spams, even if third parties hit the Send button.

There is a need to regulate the advertisers who use spam, as well as the actual spammers because the actual spammers can be difficult to track down due to some return addresses that show up on the display as “unknown” and many others being obvious fakes and they are often located offshore.

The true beneficiaries of spam are the advertisers who benefit from the marketing derived from the advertisements.

1 Bus. & Prof. Code § 17529(j)(k).

2 It is unlawful [] to advertise in a commercial email advertisement [] under any of
3 the following circumstances...

4 Bus. & Prof. Code § 17529.5 (emphasis added). Of course, the affiliates are also liable for
5 sending unlawful spams. See *Trancos*, generally.

6 69. In *Hypertouch Inc. v. ValueClick Inc. et al*, the court held that advertisers are *strictly*
7 *liable* for advertising in false and deceptive spams, even if the spams were sent by third parties.

8 [S]ection 17529.5 makes it unlawful for a person or entity “to advertise in a
9 commercial e-mail advertisement” that contains any of the deceptive statements
10 described in subdivisions (a)(1)-(3). Thus, by its plain terms, the statute is not
11 limited to entities that actually send or initiate a deceptive commercial e-mail, but
12 applies more broadly to any entity that advertises in those e-mails.

13 Thus, like other California statutes prohibiting false or misleading business
14 practices, the statute makes an entity *strictly liable* for advertising in a
15 commercial e-mail that violates the substantive provisions described in section
16 17529.5, subdivision (a) regardless of whether the entity knew that such e-mails
17 had been sent or had any intent to deceive the recipient.

18 192 Cal. App. 4th 805, 820-21 (2d Dist. 2011) (emphasis added). The court did not find that this
19 was an arbitrary requirement; rather, the court identified sound policy reasons behind the
20 Legislature’s decision to create a strict liability statute:

21 [I]mposing strict liability on the advertisers who benefit from (and are the
22 ultimate cause of) deceptive e-mails, forces those entities to take a more active
23 role in supervising the complex web of affiliates who are promoting their
24 products.

25 *Id.* at 829. Nor was *Hypertouch* an anomaly; it confirmed the general trend in anti-spam
26 litigation in California and federal courts.

27 **D. Recipients of Unlawful Spam Have Standing to Sue Under B&P Code § 17529.5 and**
28 **Recover \$1,000 Per Spam Liquidated Damages**

29 70. Each and every spam at issue contained third parties’ domain names without permission
30 of the third parties, in violation of B&P Code § 17529.5.

31 71. B&P Code § 17529.5 does not require Plaintiffs to quantify their actual damages, allege
or prove reliance on the advertisements contained in the spams, or purchase the goods and
services advertised in the spams. *Recipients* of unlawful spam have standing to sue and recover
liquidated damages. See Bus. & Prof. Code § 17529.5(b)(1)(A)(iii).

1 72. The California Legislature set liquidated damages at One Thousand Dollars (\$1,000) per
2 email in violation of the statute. See B&P Code § 17529.5(b)(1)(B)(ii).

3 73. Plaintiffs are informed and believe and thereon allege that the \$1,000 per spam figure is
4 comparable with damages in other areas of consumer protection law, e.g., \$500-\$1,500 statutory
5 damages per junk fax, pursuant to B&P Code § 17538.43(b).

6 74. Plaintiffs' rightful and lawful assertion of the California Legislature's liquidated damages
7 amount of \$1,000 per email is necessary to further the Legislature's objective of protecting
8 California residents from unlawful spam.

9 **E. Defendants' Actions Were Willful and Preclude any Reduction in Statutory Damages**

10 75. California law authorizes this Court to award reduced statutory damages:

11 If the court finds that the defendant established and implemented, with due care,
12 practices and procedures reasonably designed to effectively prevent unsolicited
13 commercial e-mail advertisements that are in violation of this section, the court
14 shall reduce the liquidated damages recoverable under paragraph (1) to a
15 maximum of one hundred dollars (\$100) for each unsolicited commercial e-mail
advertisement, or a maximum of one hundred thousand dollars (\$100,000) per
incident.

16 B&P Code § 17529.5(b)(2). Thus, to secure the reduction, Defendants have the burden of proof
17 to demonstrate not only that they have practices and procedures to prevent unlawful spamming,
18 but also that the practices and procedures are *effective*.

19 76. Plaintiffs are informed and believe and thereon allege that Defendants have not
20 established and implemented, with due care, practices and procedures reasonably designed to
21 effectively prevent unsolicited commercial e-mail advertisements that are in violation of B&P
22 Code § 17529.5.

23 77. Even if Defendants had any practices and procedures to prevent advertising in unlawful
24 spam, such practices and procedures were not reasonably designed so as to be effective.

25 78. Even if Defendants reasonably designed practices and procedures to prevent advertising
26 in unlawful spam, such practices and procedures were not implemented so as to be effective.

27 79. Moreover, Plaintiffs are informed and believe and thereon allege that Defendants
28 intended to deceive recipients of their spam messages by using third-party domain names
29 without permission of the owners, as described herein.

30 80. Domain names do not register themselves; the misrepresented information in the email
31 headers are not "clerical errors." Plaintiffs are informed and believe and thereon allege that

1 Defendants went to great lengths to create misrepresented information contained in and
2 accompanying the email headers in order to deceive recipients, Internet Service Providers, and
3 spam filters.

4 81. Plaintiffs are informed and believe and thereon allege that Defendants intended to profit,
5 actually profited, and continue to profit, and were unjustly enriched by, their wrongful conduct
6 as described herein.

7 82. Plaintiffs are informed and believe and thereon allege that DENIRO MARKETING LLC
8 is an adjudged spammer, and has been advertising in unlawful spam for *years*. Plaintiffs are
9 informed and believe and thereon allege that their counsel Daniel Balsam filed at least four small
10 claims lawsuits on his own behalf against DENIRO MARKETING LLC for unlawful spamming
11 in violation of B&P Code § 17529.5. Balsam won every trial and appeal.

- 12 • *Balsam v. Deniro Marketing LLC*, No. CSM-07-820194 (Super. Ct. Cal. Cty. of
13 San Francisco, June 22, 2007).
- 14 • *Balsam v. Deniro Marketing LLC*, No. CSM-09-830095 (Super. Ct. Cal. Cty. of
15 San Francisco, Aug. 13, 2009), *aff'd* (Nov. 6, 2009).
- 16 • *Balsam v. Deniro Marketing LLC*, No. CSM-10-832549 (Super. Ct. Cal. Cty. of
17 San Francisco, Apr. 12, 2010), *aff'd* (July 13, 2010)
- 18 • *Balsam v. Deniro Marketing LLC*, No. CSM-10-833262 (Super. Ct. Cal. Cty. of
19 San Francisco, June 21, 2010), *aff'd* (Aug. 11, 2010).

20 83. Plaintiffs do *not* attempt to argue collateral estoppel from these small claims judgments.

21 84. However, Plaintiffs point to these judgments as evidence that HENNING has been
22 advertising in unlawful spam for years, and that HENNING has had actual knowledge that it has
23 been advertising in unlawful spam for years, and yet it continues to do so. Therefore,
24 HENNING cannot meet its burden of proof to show that it has effective practices and procedures
25 to prevent advertising in unlawful spam, and HENNING is not entitled to the reduction in
26 statutory damages.

27 **FIRST CAUSE OF ACTION**

28 **[Violations of California Restrictions on Unsolicited Commercial Email,
29 California Business & Professions Code § 17529.5]
30 (Against All Defendants)**

31 85. Plaintiffs hereby incorporate the foregoing paragraphs as though set forth in full herein.

1 86. Plaintiffs received the spams at issue within one year prior to filing the original
2 Complaint.

3 87. HENNING advertised in, sent, and/or caused to be sent at least 397 unsolicited
4 commercial emails to Plaintiffs' California email addresses, containing third parties' domain
5 names without permission of the third parties.

6 88. The California Legislature set liquidated damages at One Thousand Dollars (\$1,000) per
7 email.

8 89. Plaintiffs seek reimbursement of attorneys' fees and costs as authorized by B&P Code
9 § 17529.5(b)(1)(C).

10 90. The attorneys' fees provision for a prevailing spam recipient is typical of consumer
11 protection statutes and supported by Code of Civil Procedure § 1021.5. By prosecuting this
12 action, Plaintiffs expect to enforce an important right affecting the public interest and thereby
13 confer a significant benefit on the general public or a large class of persons. The necessity and
14 financial burden of private enforcement is such as to make the award appropriate, and the
15 attorneys' fees should not, in the interest of justice, be paid out of the recovery of damages.

16
17 WHEREFORE, Plaintiffs pray for judgment against Defendants as hereinafter set forth.

18
19 **PRAYER FOR RELIEF**

20
21 A. An Order from this Court declaring that Defendants violated B&P Code § 17529.5 by
22 advertising in and sending unlawful spams.

23 B. Liquidated damages against Defendants in the amount of \$1,000 per unlawful spam, as
24 authorized by B&P Code § 17529.5(b)(1)(B)(ii), as detailed below:

- 25 1. \$14,000 against ALLAN HENNING, DENIRO MARKETING LLC, and LIVE
26 CHANNELS LLC, jointly and severally, for 14 spams received by BARRETT.
- 27 2. \$327,000 against ALLAN HENNING, DENIRO MARKETING LLC, and LIVE
28 CHANNELS LLC, jointly and severally, for 327 spams received by CARPER.
- 29 3. \$356,000 against ALLAN HENNING, DENIRO MARKETING LLC, and LIVE
30 CHANNELS LLC, jointly and severally, for 356 spams received by FINK.

1 4. \$26,000 against ALLAN HENNING, DENIRO MARKETING LLC, and LIVE
2 CHANNELS LLC, jointly and severally, for 26 spams received by HILL.

3 C. Attorneys' fees as authorized by B&P Code § 17529.5(b)(1)(C) and Cal. Code of Civil
4 Procedure § 1021.5 for violations of B&P Code § 17529.5.

5 D. Disgorgement of all profits derived from unlawful spams directed to California residents;
6 monies to be turned over to the Unfair Competition Law Fund and used by the California
7 Attorney General to support investigations and prosecutions of California's consumer
8 protection laws.

9 E. Costs of suit.

10 F. Such other and further relief as the Court deems proper.

11 THE LAW OFFICES OF DANIEL BALSAM

12
13 Date: January 5, 2015

14 BY: 

DANIEL L. BALSAM
Attorneys for Plaintiffs

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VERIFICATIONS

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jan 5, 2015



DANIEL BARRETT (BY FAX)

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

JAMIE CARPER

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

JAY FINK

VERIFICATIONS

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

DANIEL BARRETT

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jan 5, 2015


Jamie Carper (Jan 5, 2015)

JAMIE CARPER (VIA ADOBE ECHOSIGN)

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

JAY FINK

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VERIFICATIONS

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

DANIEL BARRETT

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

JAMIE CARPER

The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jan 5, 2015 _____


JAY FINK (BY FAX)

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The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled Action. I have read the foregoing Third Amended Complaint and know the contents thereof. With respect to the facts and causes of action alleged by me, the same is true by my own knowledge, except as to those matters which are therein stated on information and belief and those paragraphs specifically attributed to other Plaintiffs, and, as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/6/15

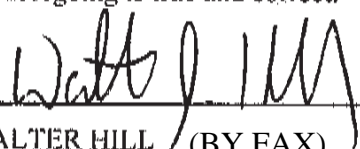

WALTER HILL (BY FAX)

Exhibit A



Looking for a MILF in your area?

Friday, July 13, 2012 9:22 AM

From: "New MILF Postings" <4trqtqfos82oah2u@twistfrigid.com>

To: jaysfrocks@yahoo.com

Are you looking for a MILF in your area?

<http://twistfrigid.com/624vlhvurwwpublo>

NO CARD required

FAST. SECURE. DISCREET.

Discontinue future promotions by emailing:

<http://twistfrigid.com/624vjhvurwwpublo>

4 Rivers House, Fentiman Walk
Hertfrod, HERTS SG14 1DB, UK

Remove jaysfrocks@yahoo.com from receiving any more advertisements from us by following the link below
<http://twistfrigid.com/unsub/?id=z24rhwwurwwpublo>

Address:

twistfrigid.com
3965 West 83rd Street PMB#160
Prairie Village, KS 66208

<http://twistfrigid.com/624vlhvurwwpublo>

<http://iluv.clickbooth.com/?E=vpUdvQIMnwjW1jR0qJFenw%3d%3d&s1=GBmilffroc0713EK>

<http://www3.amateurmatch.com/?af=Mjc5ODl8MTQyfDB8MHwxMTYyNg==&skin=69&atcc=13694>

THE HOTTEST ONLINE MILF DATING SITE
WITH OVER 15 MILLION MEMBERS REGISTERED

FREE TO SEARCH & FIND SEXY MILFS IN YOUR AREA!

I am a:

Seeking a:

Zip Code:

FIND MY MATCHES

THOUSANDS OF SINGLES NEAR YOU!

Time	Sent	Re...	Method	Result	Type	URL
00:0...						AmateurMatch - Free Sex, Adult Dating, Sex Personals
+ 0.000	0.183	401	516	GET	302	http://twistfrigid.com/624vlhvurwwpublo
+ 0.215	0.287	642	695	GET	302	http://iluv.clickbooth.com/?E=vpUdvQIMnwjW1jR0qJFenw%3d%3d&s1=GBmilffroc0713EK
+ 0.513	0.867	805	9205	GET	200	http://www3.amateurmatch.com/?af=Mjc5ODl8MTQyfDB8MHwxMTYyNg==&skin=69&atcc=13694

Extended information for this URL is not supported in HttpWatch Basic Edition. Please visit our HTTP Gallery, httpwatch.com or any site in the Alexa Top 20 (e.g. ebay.com, google.com, microsoft.com) for a demonstration.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel L. Balsam (State Bar No. 260423) THE LAW OFFICES OF DANIEL BALSAM 2601C Blanding Avenue #271 Alameda, CA 94501 TELEPHONE NO.: 415-869-2873 FAX NO. (Optional): 415-869-2873 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs Daniel Barret et al	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 222 E. Weber Avenue MAILING ADDRESS: CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME:	
PLAINTIFF/PETITIONER: Daniel Barrett et al DEFENDANT/RESPONDENT Allan Henning et al	CASE NUMBER: 39-2013-00298275-CU-BT-STK
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> Check method of service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input checked="" type="checkbox"/> By Electronic Service	JUDGE: Kronlund DEPT.: 11

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is:
 The Law Offices of Daniel Balsam, 2601C Blanding Avenue #271, Alameda, CA 94501
3. The fax number or electronic notification address from which I served the documents is *(complete if service was by fax or electronic service)*: legal@danbalsam.com
4. On *(date)*: Jan. 5, 2015 I served the following **documents** *(specify)*:
 Plaintiffs' Fourth Amended Complaint

The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).

5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: Colin Hardacre
 - b. *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*
 Business or residential address where person was served:
 - c. *(Complete if service was by fax or electronic service.)*
 - (1) Fax number or electronic notification address where person was served:
 colin@kaufmanlawgrouppla.com
 - (2) Time of service: 5:15 pm

The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).

6. The documents were served by the following means *(specify)*:
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

(Continued on back)

CASE NAME

Barrett v. Henning

CASE NUMBER:

39-2013-00298275-CU-BT-STK

6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. **By electronic service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed in item 5. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jan. 5, 2015

Daniel L. Balsam

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

▶ _____
(SIGNATURE OF DECLARANT)