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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SAN FRANCISCO (UNLIMITED JURISDICTION)**

16 DANIEL BALSAM, an individual,  
17 CATHY RILEY, an individual,  
18 KRISTINA KIRBY, an individual, and  
19 ANGELA BRIDGES, an individual,  
20  
21 Plaintiffs,

22 v.

23 MONIKER PRIVACY SERVICES LLC, a  
24 Delaware limited liability company,  
25 OVERSEE.NET INC., a California  
26 corporation,  
27 and  
28 DOES 1-100,  
29 Defendants.

) Case No.: **CGC-11-514405**  
)  
)  
) **VERIFIED COMPLAINT FOR**  
) **DAMAGES**  
) **1. VIOLATIONS OF CALIFORNIA**  
) **RESTRICTIONS ON UNSOLICITED**  
) **COMMERCIAL E-MAIL (Cal. Bus. &**  
) **Prof. Code § 17529.5)**  
) **JURY TRIAL DEMANDED**

30 COME NOW PLAINTIFFS DANIEL BALSAM, CATHY RILEY, KRISTINA KIRBY, and  
31 ANGELA BRIDGES and file this Verified Complaint for one cause of action against Defendants  
MONIKER PRIVACY SERVICES LLC and OVERSEE.NET INC. and allege as follows:

1 **I. INTRODUCTION AND SUMMARY OF THE COMPLAINT**

2 1. Plaintiff DANIEL BALSAM (“BALSAM”) brings this Action against MONIKER  
3 PRIVACY SERVICES LLC (“MONIKER”) and OVERSEE.NET INC. (“OVERSEE”) for  
4 advertising in 75 unlawful Unsolicited Commercial Email (“UCE” or “spam”) messages sent to  
5 BALSAM from November 2, 2010 through September 18, 2011, inclusive.

6 2. Plaintiff CATHY RILEY (“RILEY”) brings this Action against MONIKER and  
7 OVERSEE for advertising in 14 unlawful spam messages sent to RILEY from July 7, 2011  
8 through September 16, 2011, inclusive.

9 3. Plaintiff KRISTINA KIRBY (“KIRBY”) brings this Action against MONIKER and  
10 OVERSEE for advertising in 21 unlawful spam messages sent to KIRBY from August 8, 2011  
11 through September 12, 2011, inclusive.

12 4. Plaintiff ANGELA BRIDGES (“BRIDGES”) brings this Action against MONIKER and  
13 OVERSEE for advertising in 22 unlawful spam messages sent to BRIDGES from July 20, 2011  
14 through September 15, 2011, inclusive.

15 5. Defendants MONIKER and OVERSEE were the legal owners of the domain names  
16 advertised in each spam at the time each spam was sent.

17 6. The sole purpose of each spam was to advertise pornographic websites located at domain  
18 names owned by Defendants.

19 7. The spams all contained materially falsified, misrepresented, and/or forged information in  
20 violation of Cal. Business & Professions (“B&P”) Code § 17529.5.

21 8. Some of the spams contained third parties’ domain names without the permission of the  
22 third parties.

23 9. Many of the spams had From Names that did not accurately identify the sender, e.g.  
24 “Awesome Ladies” and “Brooke.” Many of the spams had “Facebook” as the From Name,  
25 which is facially false because Facebook had nothing to do with sending these spams.

26 10. Most of the spams had forged From Email Addresses.

27 11. Many of the spams had misleading Subject Lines that did not accurately describe the  
28 contents of the email, such as “Julie Sent You A Message” and “Free2Join” and “Facebook  
29 Password Reset Confirmation.”

30 12. This Court should award liquidated damages of \$1,000 per email as provided by B&P  
31 Code § 17529.5(b)(1)(B)(ii), and not consider any reduction in damages, because Defendants

1 failed to implement reasonably effective systems designed to prevent the sending of unlawful  
2 spam in violation of the statute.

3 13. The unlawful elements of these spams represent willful acts of falsity and deception,  
4 rather than clerical errors.

5 14. In fact, Defendants continued to advertise the same pornographic websites even after the  
6 Superior Court of San Francisco County (small claims division) entered judgment against  
7 OVERSEE for similar spams.

8 15. This Court should award Plaintiffs their attorneys' fees pursuant to B&P Code  
9 § 17529.5(b)(1)(C). *See also* Cal. Code Civ. Proc. § 1021.5, providing for attorneys fees when  
10 private parties bear the costs of litigation that confers a benefit on a large class of persons; here  
11 by reducing the amount of false and deceptive spam received by California residents.

## 12 13 **II. PARTIES**

### 14 **A. Plaintiff Daniel Balsam**

15 16. BALSAM received 75 spams advertising domain names owned by Defendants.

16 17. BALSAM is now, and at all times relevant has been, an individual residing in the State of  
17 California, in the City and County of San Francisco.

18 18. BALSAM is a consumer because BALSAM seeks and acquires, by purchase or lease,  
19 goods and services for personal, family, or household purposes.

20 19. BALSAM owns and at all relevant times herein owned a computer with an Internet  
21 connection. This computer is located in the State of California. BALSAM ordinarily uses this  
22 computer to access his email address.

23 20. BALSAM's email address at issue in this Action is confidential (to prevent further  
24 abuse).

### 25 **B. Plaintiff Cathy Riley**

26 21. RILEY received 14 spams advertising domain names owned by Defendants.

27 22. RILEY is now, and at all times relevant has been, an individual residing in the State of  
28 California, in the City and County of San Francisco.

29 23. RILEY is a consumer because RILEY seeks and acquires, by purchase or lease, goods  
30 and services for personal, family, or household purposes.

1 24. RILEY owns and at all relevant times herein owned a computer with an Internet  
2 connection. This computer is located in the State of California. RILEY ordinarily uses this  
3 computer to access her email address.

4 25. RILEY's email address at issue in this Action is confidential (to prevent further abuse).

5 **C. Plaintiff Kristina Kirby**

6 26. KIRBY received 21 spams advertising domain names owned by Defendants.

7 27. KIRBY is now, and at all times relevant has been, an individual residing in the State of  
8 California, in the County of Alameda.

9 28. KIRBY is a consumer because KIRBY seeks and acquires, by purchase or lease, goods  
10 and services for personal, family, or household purposes.

11 29. KIRBY owns and at all relevant times herein owned a computer with an Internet  
12 connection. This computer is located in the State of California. KIRBY ordinarily uses this  
13 computer to access her email address.

14 30. KIRBY's email address at issue in this Action is confidential (to prevent further abuse).

15 **D. Plaintiff Angela Bridges**

16 31. BRIDGES received 22 spams advertising domain names owned by Defendants.

17 32. BRIDGES is now, and at all times relevant has been, an individual residing in the State of  
18 California, in the County of Solano.

19 33. BRIDGES is a consumer because BRIDGES seeks and acquires, by purchase or lease,  
20 goods and services for personal, family, or household purposes.

21 34. BRIDGES owns and at all relevant times herein owned a computer with an Internet  
22 connection. This computer is located in the State of California. BRIDGES ordinarily uses this  
23 computer to access her email address.

24 35. BRIDGES's email address at issue in this Action is confidential (to prevent further  
25 abuse).

26 **E. Defendant Moniker Privacy Services LLC**

27 36. Plaintiffs are informed and believe and thereon allege that MONIKER is currently, and  
28 was at all times relevant herein, a Delaware limited liability company located in Pompano Beach,  
29 Florida.

1 37. Plaintiffs are informed and believe and thereon allege that MONIKER was the registrant  
2 (legal owner) of the domain names unlawfully advertised in the spams at issue at the time that  
3 Plaintiffs received the unlawful spams.

4 **F. Defendant Oversee.net Inc.**

5 38. Plaintiffs are informed and believe and thereon allege that OVERSEE is currently, and  
6 was at all times relevant herein, a California corporation headquartered in Los Angeles,  
7 California.

8 39. Plaintiffs are informed and believe and thereon allege that OVERSEE was also the legal  
9 owner of the domain names unlawfully advertised in the spams at issue at the time that Plaintiffs  
10 received the unlawful spams.

11 40. Plaintiffs are informed and believe and thereon alleges that at all times herein mentioned,  
12 OVERSEE and MONIKER failed to maintain separate corporate formalities and are alter-egos of  
13 each other, and that at all times herein mentioned there existed such a unity of interest in  
14 ownership between OVERSEE and MONIKER that any separateness has ceased to exist  
15 between them for the reasons set forth below.

16 41. Plaintiffs are informed and believe and thereon allege that adherence to the fiction of a  
17 separate existence of OVERSEE and MONIKER would sanction fraud and permit an abuse of  
18 the corporate privilege.

19 ***1. Same Address***

20 42. Plaintiffs are informed and believe and thereon allege that according to records on file  
21 with the Florida Secretary of State, MONIKER has only one member – DomainSystems Inc., a  
22 Florida corporation.

23 43. Plaintiffs are informed and believe and thereon allege that according to records on file  
24 with the Florida Secretary of State, DomainSystems Inc. claims a principal address at 20 SW  
25 27th Avenue, 2nd Floor, Pompano Beach, Florida 33069.

26 44. Plaintiffs are informed and believe and thereon allege that according to records on file  
27 with the Florida Secretary of State, DomainSystems Inc. claims a mailing address at 515 S.  
28 Flower Street, 44th Floor, Los Angeles, CA 90071.

29 45. Plaintiffs are informed and believe and thereon allege that according to records on file  
30 with the California Secretary of State, OVERSEE claims a mailing address at 515 S. Flower  
31 Street, 44th Floor, Los Angeles, CA 90071.

1 46. Plaintiffs are informed and believe and thereon allege that according to OVERSEE’s own  
2 website, *OVERSEE* claims a “Florida Office” – as opposed to a *subsidiary’s* office – at 20 SW.  
3 27th Avenue, Suite 201, Pompano Beach, FL 30069 [sic]. See *Oversee.net* Contact Information,  
4 <http://www.oversee.net/contact> (last visited Aug. 24, 2011).

5 **2. Same Officers**

6 47. Plaintiffs are informed and believe and thereon allege that according to records on file  
7 with the Florida Secretary of State, MONIKER has only one member – DomainSystems Inc., a  
8 Florida corporation.

9 48. Plaintiffs are informed and believe and thereon allege that according to records on file  
10 with the Florida Secretary of State, Jeff Kupietzky is DomainSystems Inc.’s President.

11 49. Plaintiffs are informed and believe and thereon allege that according to OVERSEE’s own  
12 website, Jeff Kupietzky is OVERSEE’s Chief Executive Officer. See *Oversee.net* Management  
13 Team, [http://www.oversee.net/management\\_team](http://www.oversee.net/management_team) (last visited Aug. 24, 2011).

14 50. Plaintiffs are informed and believe and thereon allege that according to records on file  
15 with the Florida Secretary of State, Elizabeth Murray is DomainSystems Inc.’s Chief Financial  
16 Officer.

17 51. Plaintiffs are informed and believe and thereon allege that according to OVERSEE’s own  
18 website, Elizabeth Murray is OVERSEE’s Executive Vice President and Chief Financial Officer.  
19 See *Oversee.net* Management Team, [http://www.oversee.net/management\\_team](http://www.oversee.net/management_team) (last visited  
20 Aug. 24, 2011).

21 52. Plaintiffs are informed and believe and thereon allege that according to records on file  
22 with the Florida Secretary of State, Todd Greene is DomainSystems Inc.’s Secretary.

23 53. Plaintiffs are informed and believe and thereon allege that according to OVERSEE’s own  
24 website, Todd Greene is OVERSEE’s Senior Vice President and General Counsel. See  
25 *Oversee.net* Management Team, [http://www.oversee.net/management\\_team](http://www.oversee.net/management_team) (last visited Aug.  
26 24, 2011).

27 54. Plaintiffs are informed and believes and thereon alleges that Jeff Kupietzky, Elizabeth  
28 Murray, and Todd Greene have exercised complete dominance and control over MONIKER such  
29 that MONIKER is a mere shell and instrumentality for the conduct of business by OVERSEE.  
30  
31

1 **3. OVERSEE Refers to MONIKER as a “Division” and a “Brand,” Not a “Subsidiary”**

2 55. OVERSEE is in the business of “monetizing, registering, selling and developing domain  
3 names.” See Oversee.net About Us, <http://www.oversee.net/about> (as of Feb. 22, 2011).

4 56. Plaintiffs are informed and believe and thereon allege that according to OVERSEE’s own  
5 website, OVERSEE has a Domain Services *Division* of which Moniker is a *brand*. See  
6 Oversee.net Our Brands, [http://www.oversee.net/our\\_brands](http://www.oversee.net/our_brands) (last visited Aug. 24, 2011).

7 57. Plaintiffs are informed and believe and thereon allege that according to MONIKER’s  
8 own website, Moniker is a *core brand* of OVERSEE. See Moniker About Us,  
9 <http://www.moniker.com/aboutus.jsp> (last visited Aug. 24, 2011).

10 58. Because OVERSEE treats MONIKER as a division and a brand, as opposed to a  
11 subsidiary, OVERSEE is liable for MONIKER’s wrongful acts, as they are one and the same  
12 entity.

13 **G. DOES 1-100**

14 59. Plaintiffs do not know the true names or legal capacities of the defendants sued herein as  
15 DOES 1 through 100, inclusive, and therefore sue these defendants under such fictitious names.  
16 Plaintiffs will amend this Complaint to allege their true names and capacities when ascertained.  
17 Plaintiffs are informed and believe and thereon allege that each fictitiously named defendant is  
18 responsible in some manner for the matters alleged herein, and that Plaintiffs’ injuries and  
19 damages alleged herein were proximately caused by their conduct.

20  
21 **III. JURISDICTION AND VENUE**

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

23 60. This Court has jurisdiction over the Action because each Plaintiff is a California resident  
24 and received the unlawful spams in California.

25 61. This Court has jurisdiction over the Action because OVERSEE is a California  
26 corporation, located in California.

27 **B. Venue is Proper in San Francisco County**

28 62. Venue is proper against Defendants in San Francisco County because BALSAM and  
29 RILEY’s personal property – their computers – were damaged in San Francisco County when  
30 BALSAM and RILEY received Defendants’ spams. Code Civ. Proc. § 395(a). See B&P Code  
31 § 17529(d), (e), (g), and (h), describing damages from receiving spam.

1 63. Venue is proper against Defendants in San Francisco County because the Action arose  
2 from the offer of goods and the intended buyers – BALSAM and RILEY – resided in San  
3 Francisco County when they received the spams and when they commenced this Action. Code  
4 Civ. Proc. § 395(b).

5 64. Venue is also proper against Defendants in San Francisco County because BALSAM and  
6 RILEY received and were damaged by the spams at issue in San Francisco County. “A  
7 corporation or association may be sued in the county where . . . the obligation or liability arises.”  
8 Code Civ. Proc. § 395.5.

9 65. Furthermore, Plaintiffs are informed and believe and thereon allege that MONIKER has  
10 not registered to do business with the California Secretary of State, and therefore venue is proper  
11 as to MONIKER in *any* county in California. *See Easton v. Sup. Ct. of San Diego Cty.*  
12 (*Schneider Bros., Inc.*), 12 Cal. App. 3d 243, 246-47 (4th Dist. 1970).

#### 13 14 **IV. THE UNLAWFUL SPAMS**

15 66. BALSAM received the 75 spam messages at issue in this Action at his “California email  
16 address.”<sup>1</sup>

17 67. RILEY received the 14 spam messages at issue in this Action at her “California email  
18 address.”

19 68. KIRBY received the 21 spam messages at issue in this Action at her “California email  
20 address.”

21 69. BRIDGES received the 22 spam messages at issue in this Action at her “California email  
22 address.”

23 70. The emails at issue are “commercial email advertisements”<sup>2</sup> because they advertise  
24 services provided by various pornographic “adult dating” websites.

25  
26  
27 <sup>1</sup> “‘California e-mail address’ means 1) An e-mail address furnished by an electronic mail service  
28 provider that sends bills for furnishing and maintaining that e-mail address to a mailing address  
29 in this state; 2) An e-mail address ordinarily accessed from a computer located in this state; 3)  
An e-mail address furnished to a resident of this state.” B&P Code § 17529.1(b).

30 <sup>2</sup> “‘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 71. The emails are “unsolicited commercial email advertisements”<sup>3</sup> because no Plaintiff ever  
2 gave Defendants “direct consent”<sup>4</sup> to send them commercial emails, nor did any Plaintiff have a  
3 “preexisting or current business relationship”<sup>5</sup> with Defendants.

4 72. BALSAM received 75 spams<sup>6</sup> from November 2, 2010 through September 18, 2011  
5 advertising domain names owned (at the time) by Defendants.

6 73. BALSAM was blind-copied on these spams; therefore his email address does not appear  
7 in the To: field.

8 74. BALSAM expects that he will receive more spams after filing this Action.

9 75. RILEY received 14 spams from July 7, 2011 through September 16, 2011 advertising  
10 domain names owned (at the time) by Defendants.

11 76. RILEY was blind-copied on these spams; therefore her email address does not appear in  
12 the To: field.

13 77. RILEY expects that she will receive more spams after filing this Action.

14 78. KIRBY received 21 spams from August 8, 2011 through September 12, 2011 advertising  
15 domain names owned (at the time) by Defendants.

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16  
17  
18  
19 <sup>3</sup> “‘Unsolicited commercial e-mail advertisement’ means a commercial e-mail advertisement sent  
20 to a recipient who meets both of the following criteria: (1) The recipient has not provided direct  
21 consent to receive advertisements from the advertiser. (2) The recipient does not have a  
22 preexisting or current business relationship, as defined in subdivision (l), with the advertiser  
23 promoting the lease, sale, rental, gift offer, or other disposition of any property, goods, services,  
24 or extension of credit.” B&P Code § 17529.1(o).

25 <sup>4</sup> “‘Direct consent’ means that the recipient has expressly consented to receive e-mail  
26 advertisements from the advertiser, either in response to a clear and conspicuous request for the  
27 consent or at the recipient’s own initiative.” B&P Code § 17529.1(d).

28 <sup>5</sup> “‘Preexisting or current business relationship,’ as used in connection with the sending of a  
29 commercial e-mail advertisement, means that the recipient has made an inquiry and has provided  
30 his or her e-mail address, or has made an application, purchase, or transaction, with or without  
31 consideration, regarding products or services offered by the advertiser. [.]” B&P Code  
§ 17529.1(l).

<sup>6</sup> None of the spams at issue in this Action were included in CSM-11-836226, the small claims  
lawsuit BALSAM filed against Defendants, in which the court entered judgment in BALSAM’s  
favor on February 8, 2011. Thus, BALSAM does *not* sue for the same spams twice.

1 79. KIRBY was blind-copied on some of these spams; therefore her email address does not  
2 always appear in the To: field.

3 80. KIRBY expects that she will receive more spams after filing this Action.

4 81. BRIDGES received 22 spams from July 20, 2011 through September 15, 2011  
5 advertising domain names owned (at the time) by Defendants.

6 82. BRIDGES was blind-copied on these spams; therefore her email address does not appear  
7 in the To: field.

8 83. BRIDGES expects that she will receive more spams after filing this Action.

9 84. Each domain name advertised in the spams is (was) associated with pornographic  
10 websites promoting “adult dating” and random sexual hookups.

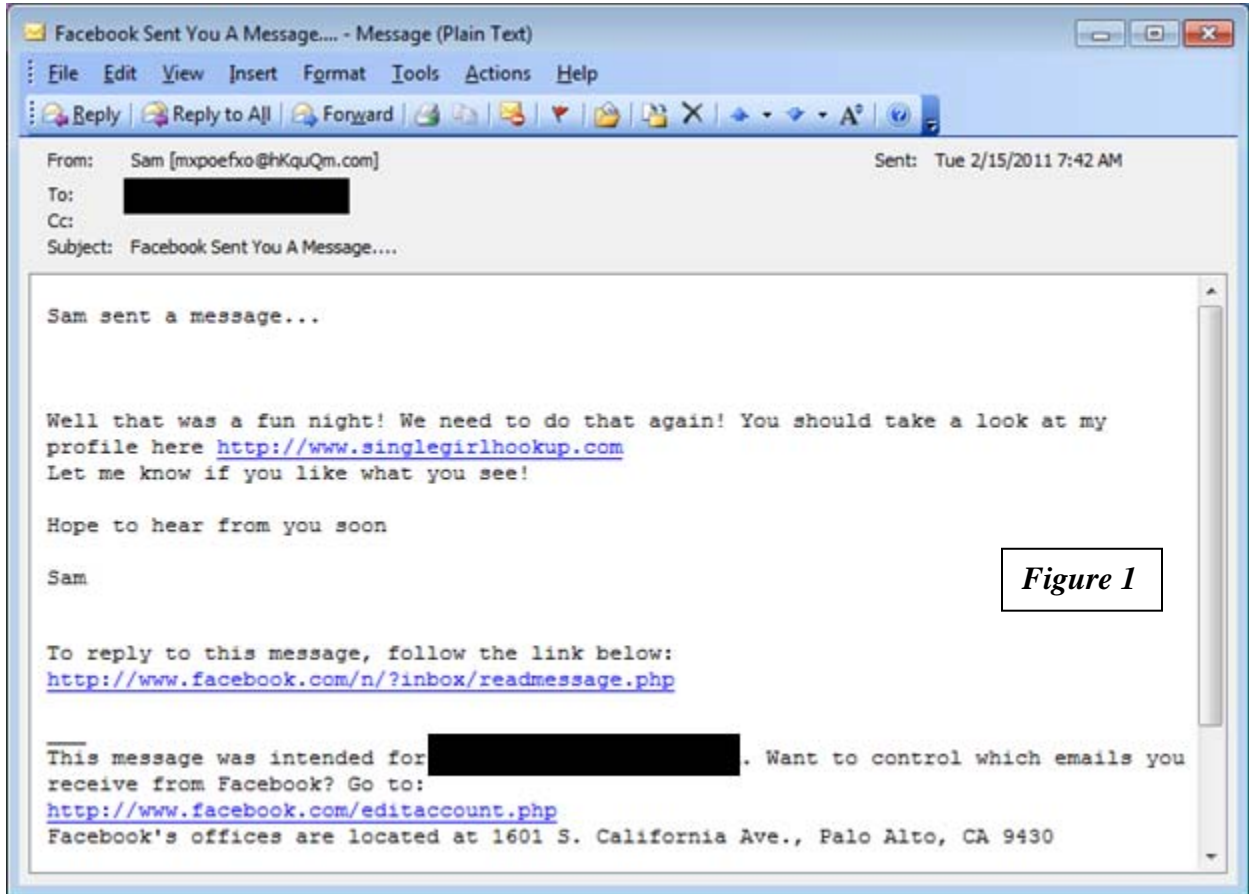
11 85. To avoid filing an inordinately long Complaint, Plaintiffs do not include a copy herein of  
12 every single spam at issue. However, *Figure 1* on the next page is representative of a typical  
13 spam: a From Name that does not identify the sender (or anyone else), a From Email Address  
14 that was forged such that a test email sent back to that From Email Address generated an  
15 undeliverable “error bounceback” message, a Subject Line that does not clearly describe the  
16 contents of the message, a hyperlink in the body that points to a pornographic website promoting  
17 “adult dating,” the inclusion of Facebook Inc.’s physical address, and no means of opting out  
18 from receiving more spam (because the opt-out link is Facebook’s, not Defendants’).

19 86. **Exhibit A** is a table summarizing all 75 spams received by BALSAM, including for each  
20 spam: a) date sent, b) claimed date, if false, c) From Name, d) From Email Address, e) whether  
21 BALSAM received an error bounceback or if the purported From Email Address were invalid  
22 such that BALSAM could not even send a test email, f) Subject Line, g) hyperlinked website, the  
23 domain name for which was owned by Defendants, h) no address or Facebook’s address.

24 87. **Exhibit B** is a table summarizing all 14 spams received by RILEY, including for each  
25 spam: a) date sent, b) From Name, c) From Email Address, d) Subject Line, e) hyperlinked  
26 website, the domain name for which was owned by Defendants, f) no address or Facebook’s  
27 address.

28 88. **Exhibit C** is a table summarizing all 21 spams received by KIRBY, including for each  
29 spam: a) date sent, b) From Name, c) From Email Address, d) Subject Line, e) hyperlinked  
30 website, the domain name for which was owned by Defendants, f) no address or Facebook’s  
31 address.

89. **Exhibit D** is a table summarizing all 22 spams received by BRIDGES, including for each spam: a) date sent, b) From Name, c) From Email Address, d) Subject Line, e) hyperlinked website, the domain name for which was owned by Defendants, f) no address or Facebook's address.



**V. VIOLATIONS OF CAL. BUSINESS & PROFESSIONS CODE § 17529.5**

90. The 75 spams received by BALSAM linked to the following websites, the domain names for which were registered to/owned by Defendants as of the date the spams were sent: *babesthatlikedating.com, bigtimehookup.net, datehertonight.net, dating4sex.net, datingsexygirls.net, datingtoboink.com, easydatehookup.net, entertainmentdating.net, extremedating.net, fastwives.com, fbhookup.net, findsummerlovein.net, friendlygirlhookup.com, fuckbookhookup.net, fuckfriendsearch.com, girlswantingsex.net, hookup-hangout.com, hookupme.net, hookupquicktonight.net, hookupsport.net, hookupwithgirls.net, hornylocalgirls.net, hotsummerdating.com, hottestthatboink.com, localsexhookup.net, lonelygirlschat.net,*

1 *lovelylocalgirls.net, meetgirlstonight.net, myfuckbuddybook.com , newyearsdate.net,*  
2 *newyearshookup.com, private-chatting.com, searchsexysingles.net, singlegirlhookup.com,*  
3 *smokindatetonight.net, speedshagdating.net, summerdatenights.net, summertimehookups.com,*  
4 *superfuckbook.net, wetnwilddates.net, wintersingles.com.*

5 91. The 14 spams received by RILEY linked to the following websites, the domain names for  
6 which were registered to/owned by Defendants as of the date the spams were sent:

7 *datethatbabenow.com, datingtoboink.com, hotsummerdate.com, hotsummer-hookups.net,*  
8 *hottiestthatboink.com, lonelyhottiestodate.com, nightlydatehookups.net,*  
9 *reallyhotdatingtonight.com, shagdatingtonight.com, wetnhotdating.com.*

10 92. The 21 spams received by KIRBY linked to the following websites, the domain names  
11 for which were registered to/owned by Defendants as of the date the spams were sent:

12 *datethathottie.com, datethenshagtonight.com, datingtoboink.com, hottestthatboink.com,*  
13 *hottiestodatetonight.com, localhotclassifieds.com, lonelyhottiestodate.com, sexybabetodate.com,*  
14 *shagdatingtonight.com.*

15 93. The 22 spams received by BRIDGES linked to the following websites, the domain names  
16 for which were registered to/owned by Defendants as of the date the spams were sent:

17 *babesthatlikedating.com, boinkdating.com, datethatbabenow.com, datethathottie.com,*  
18 *datingtoboink.com, findahotsummerdate.com, hottestthatboink.com, hottestodatetonight.com,*  
19 *lonelyhottiestodate.com, reallyhotdatingtonight.com, sexybabetodate.com,*  
20 *shagdatingtonight.com, speedhookuptonight.com.*

21 94. Whois query results for all of the domain names at issue show MONIKER as the  
22 registrant.

23 95. **Exhibit E** is a true and correct copy of the Whois query results for the domain name  
24 *singlegirlhookup.com*, the website hyperlinked in the spam shown in **Figure 1**, showing  
25 MONIKER as the registrant.

26 **A. Many of the Spams Included Third Parties' Domain Names Without Permission**

27 96. B&P Code § 17529.5(a)(1) prohibits the use of third party's domain names without  
28 permission.

29 97. Many of the spams purported to have been sent from email addresses *@facebook.com*  
30 and *@facebookmail.com*, and many included links to *Facebook.com*, an example of which is  
31 shown in **Figure 1**.

1 98. Plaintiffs are informed and believe and thereon allege that Facebook Inc., owner of the  
2 *facebook.com* domain name, had nothing to do with the sending of the spams or the websites  
3 advertised in the spams (e.g., *SingleGirlHookup.com* in **Figure 1**), the spams did not originate  
4 from Facebook's offices in Palo Alto, California, and clicking a *facebook.com* link in a spam  
5 would not enable the recipient to reply to the email or opt-out from receiving more spams.

6 99. Plaintiffs are informed and believe and thereon allege that Facebook Inc., owner of the  
7 *facebook.com* domain name, has a strict policy prohibiting the use of its services for spamming.

8 100. Plaintiffs are informed and believe and thereon allege that Facebook Inc. did not give  
9 permission to Defendants or anyone else to use its domain name *facebook.com* in these spams.

10 101. Three spams purported to have been sent from email addresses *@yahoo.com* and six from  
11 email addresses *@rocketmail.com* and three from email addresses *@yahoo.ca*.

12 102. Plaintiffs are informed and believe and thereon allege that Yahoo! Inc., owner of the  
13 *yahoo.com* and *rocketmail.com* domain names, and Yahoo Canada Co., owner of the *yahoo.ca*  
14 domain name, have strict policies prohibiting the use of their services for spamming.

15 103. Plaintiffs are informed and believe and thereon allege that Yahoo! Inc., owner of the  
16 *yahoo.com* and *rocketmail.com* domain names, and Yahoo Canada Co., owner of the *yahoo.ca*  
17 domain name, did not give permission to Defendants or anyone else to use their domain names  
18 *yahoo.com* and *rocketmail.com* and *yahoo.ca* in these spams.

19 104. One spam purported to have been sent from the email address *bsivvyxixa@aol.com*.

20 105. Plaintiffs are informed and believe and thereon allege that AOL LLC, owner of the  
21 *aol.com* domain name, has a strict policy prohibiting the use of its services for spamming.

22 106. Plaintiffs are informed and believe and thereon allege that AOL LLC, owner of the  
23 *aol.com* domain name, did not give permission to Defendants or anyone else to use its domain  
24 name *aol.com* in this spam.

25 107. Seven spams purported to have been sent from email addresses *@gmail.com*.

26 108. Plaintiffs are informed and believe and thereon allege that Google Inc., owner of the  
27 *gmail.com* domain name, has a strict policy prohibiting the use of its services for spamming.

28 109. Plaintiffs are informed and believe and thereon allege that Google Inc., owner of the  
29 *gmail.com* domain name, did not give permission to Defendants or anyone else to use its domain  
30 name *gmail.com* in these spams.

31 110. Five spams purported to have been sent from email addresses *@roadrunner.com*.

1 111. Plaintiffs are informed and believe and thereon allege that Time Warner Cable and Road  
2 Runner Holding Co. LLC, owner of the *roadrunner.com* domain name, has a strict policy  
3 prohibiting the use of its services for spamming.

4 112. Plaintiffs are informed and believe and thereon allege that Time Warner Cable and Road  
5 Runner Holding Co. LLC, owner of the *roadrunner.com* domain name, did not give permission  
6 to Defendants or anyone else to use its domain name *roadrunner.com* in these spams.

7 113. Four spams purported to have been sent from email addresses *@excite.com*.

8 114. Plaintiffs are informed and believe and thereon allege that MindSpark Interactive  
9 Network Inc., owner of the *excite.com* domain name, has a strict policy prohibiting the use of its  
10 services for spamming.

11 115. Plaintiffs are informed and believe and thereon allege that MindSpark Interactive  
12 Network Inc., owner of the *excite.com* domain name, did not give permission to Defendants or  
13 anyone else to use its domain name *excite.com* in these spams.

14 116. One spam purported to have been sent from the email address *fl@nytimes.com*.

15 117. Plaintiffs are informed and believe and thereon allege that The New York Times  
16 Company, owner of the *nytimes.com* domain name, has a strict policy prohibiting the use of its  
17 services for spamming.

18 118. Plaintiffs are informed and believe and thereon allege that The New York Times  
19 Company, owner of the *nytimes.com* domain name, did not give permission to Defendants or  
20 anyone else to use its domain name *nytimes.com* in this spam.

21 119. Therefore, every spam that included a reference to *facebook.com*, *facebookmail.com*,  
22 *yahoo.com*, *rocketmail.com*, *yahoo.ca*, *aol.com*, *gmail.com*, *roadrunner.com*, or *nytimes.com*  
23 violated B&P Code § 17529.5(a)(1).

24 **B. Many of the Spams Had Misrepresented Information in the “From Name” Field**

25 120. B&P Code § 17529.5(a)(2) prohibits misrepresented information in email headers.

26 121. Plaintiffs are informed and believe and thereon allege that RFC 2822 “specifies a syntax  
27 for text messages that are sent between computer users, within the framework of ‘electronic  
28 mail’ messages” and “The ‘From:’ field specifies the author of the message.” *See* Network  
29 Working Group, RFC 2822 Internet Message Format (April 2001) at ¶ 3.6.2, *available at*  
30 <http://www.faqs.org/rfcs/rfc2822.html> (last visited Feb. 22, 2011).

1 122. Simply put, the From Name field is supposed to accurately identify who the email is  
2 from.

3 123. The spams contain text in the From Names (part of the header information) that does not  
4 accurately identify Defendants or anyone else, e.g.: “Adult Dating,” “ALICIA,” “AMBER,”  
5 “Awesome Hookups,” “Awesome Ladies,” “Brooke,” “CLARA,” “CRYSTAL,” “Dating 4  
6 Adults,” “Dating Connection,” “Dating master,” “DEBBIE,” “Facebook,” “Fara Long,”  
7 “FuckBook,” “HOTGirl4U,” “Heather,” “Heather Brooke,” “Hookups Are Us,” “Karrie Forbes,”  
8 “Katie,” “Kelly,” “Kim,” “Lindsay,” “LESLIE,” “Lisa,” “Nancy,” “Naughty Ladies,” “Nikki,”  
9 “Relationship Updates on behalf of Awesome New Naughty Site / Be My Valentine / Cat /  
10 HOTGir|21 / Hot Hookups / Online Hookups / SexSearch / Sexy Ladies / The Fuckbook,”  
11 “sandra,” “Sally,” “Sally Randolph,” “Sam,” “sandra,” “Sarah,” “Sex-Tonight,” “Sexy Girl28,”  
12 “SexyTime,” “Steph,” “Tammy,” “VALERIE,” “Wicked Wanda,” “Wild Ladies.”

13 124. Plaintiffs are informed and believe and thereon allege that when a typical person receives  
14 an email, usually only the From Line, Subject Line, and date are displayed before the recipient  
15 opens the email. Thus, when the instant spammer(s) inserted text into the From Name field that  
16 misrepresents who the sender is – and especially if the From Name identifies a reputable entity  
17 such as Facebook – recipients have no way of knowing that the email is a spam until they open  
18 and read the email.

19 125. Plaintiffs are informed and believe and thereon allege that if the spams used a single  
20 From Name (e.g., “FuckBook”), it would be much easier for Internet Service Providers (“ISPs”)  
21 and/or email users to use spam filters to identify, block, and delete the spams before they ever  
22 reached consumers’ inboxes.

23 126. Because none of the From Names identify Defendants, the spams violate B&P Code  
24 § 17529.5(a)(2).

25 **C. Almost All of the Spams Received by Balsam had Forged Information in the “From**  
26 **Email Address” Field**

27 127. B&P Code § 17529.5(a)(2) prohibits forged information in email headers.

28 128. Here, the headers of almost all of the spams were forged so as to make it appear that the  
29 spams were sent from certain email addresses such as *mxpoefxo@hKquQm.com* (see **Figure 1**),  
30 even though the spams were *not* actually sent from those email addresses.

1 129. BALSAM attempted to send test emails to each purported From Email Address (e.g.  
2 *mxpoefxo@hKquQm.com* in **Figure 1**) in the emails he received.<sup>7</sup> BALSAM received error  
3 bounceback messages, indicating that the purported From Email Addresses were invalid; i.e., the  
4 spams were *not* sent from *mxpoefxo@hKquQm.com* or the other purported From Email  
5 Addresses.

6 130. However, in some cases BALSAM *could not* send a test email because the purported  
7 sending email address (e.g. *onoosi@96bSI\_.com*) included an underscore character “\_” in the  
8 domain name, which is an invalid syntax. Usernames (the part of an email address before the @  
9 sign) can include underscores but domain names (the part after the @ sign) cannot.

10 131. Plaintiffs believe that forging From Email Addresses is a typical spammer ploy so that  
11 spammers’ own computers are not burdened by processing error-bounceback email when they  
12 send to bad email addresses.

13 132. Because almost all of the spams received by BALSAM have forged From Email  
14 Addresses, the spams violate B&P Code § 17529.5(a)(2).

15 **D. Some of the Spams Had Falsified Information in the “Send Date” Field**

16 133. B&P Code § 17529.5(a)(2) prohibits falsified information in email headers.

17 134. BALSAM actually received a spam on January 28, 2011 from “Relationship Updates on  
18 behalf of SexSearch,” even though the Send Date was purportedly February 1, 2011.

19 135. BALSAM actually received a spam on February 5, 2011 from “Nancy,” even though the  
20 Send Date was purportedly August 6, 2001.

21 136. Every spam with a forged Send Date violated B&P Code § 17529.5(a)(2).

22 **E. Most of the Spams Had Misleading Information in the “Subject Line” Field**

23 137. B&P Code § 17529.5(a)(3) prohibits Subject Lines likely to mislead a reasonable  
24 recipient as to the contents or subject matter of the emails.

25 138. Many of the Subject Lines give no indication whatsoever what the true nature of the  
26 spams are about and are therefore likely to mislead the recipient: “A Secret Admirer / ALICIA /  
27 Becky / Brooke / CRYSTAL / EVA / Gina / JOANNE / Julie / Nikki / Peter / Sam / sally /  
28 Sandra / Sarah / Tina Sent You a Message,” “Facebook,” “Hot New Site,” “inbox Message,”  
29 “Just In Time For Valentines Day,” “new in town,” “Personal Invite,” “Personal Message,”  
30

31 <sup>7</sup> Plaintiffs RILEY, KIRBY, and BRIDGES did not attempt to send test emails.



1 “Private Message,” “Private Invite,” “Spice It Up,” “U have Mail,” “What Do You Think?,”  
2 “whats up?,” “Your Fathers Day Gift...”

3 139. Many of the Subject Lines go beyond merely ambiguous and are affirmatively false by  
4 suggesting that the emails were sent from or involved *Facebook.com*: “Facebook Password Reset  
5 Confirmation,” “Facebook Sent You A Message,” “your facebook.”

6 140. Many of the Subject Lines are misleading because they suggest that the hyperlinked  
7 websites – the domain names for which were owned by Defendants at the time the spams were  
8 sent – actually have real women as members who are looking for “hookups.” Plaintiffs are  
9 informed and believe and thereon allege that the websites contain fake profiles, the women  
10 whose pictures appear on the websites are not really members of the websites, and no real  
11 “hookups” are possible, and therefore the Subject Lines are misleading.

12 141. **Exhibit F** is a true and correct copy of the landing page at the *SingleGirlHookup.com*  
13 website linked to the spam shown in *Figure 1*.

14 142. These misleading Subject Lines include: “Brooke Sent A Fuckbook Invite,” “Discreet  
15 Affair,” “Do You Want To Have Sex?,” “FaceBook or Fuckbook?,” “Fast Local Hookups,” “For  
16 Life or for tonight,” “FuckBook Invite code: #####,”<sup>8</sup> “FuckBook Private Invite code: #####,”  
17 “FuckBuddys,” “Get Laid Tonight,” “hookup 2 Night!,” “Hook up request,” “Hot Date,” “Late  
18 Night Hookups,” “Lets hook up,” “Local Ladies 4 NSA Fun,” “LOcal Ladies Looking,” “Local  
19 Ladies Looking 4 Hookups,” “Lonely Ladies Looking,” “Meet Her Tonight,” “MeetUrMatch,”  
20 “Newest singles site,” “News Alert: New Adult Dating Site,” “News Alert: New Adult Site  
21 Launched,” “Re: Date,” “Wanna Have Sex?”

22 143. In fact, of all the spams received by BALSAM, the *only* accurate Subject Line was a  
23 single instance of “New Naked Pictures.”

#### 24 **F. Damages**

25 144. Plaintiffs suffered actual damages as a result of receiving the unlawful spams advertising  
26 Defendants’ websites at their California email addresses.

27 145. B&P Code § 17529.5 does not require Plaintiffs to quantify their actual damages, or to  
28 allege or prove reliance on the advertisements contained in the spams.

29  
30  
31 <sup>8</sup> ##### indicates random text, such as “Q9WU7\_Kc” or “cwF1mX.”

1 146. The California Legislature defined liquidated damages to be \$1,000 per spam. B&P  
2 Code § 17529.5(b)(1)(B)(ii).

3 147. Plaintiffs are informed and believes and thereon alleges that this figure is comparable  
4 with damages in other areas of consumer protection law, e.g., \$500-\$1,500 statutory damages per  
5 junk fax, 47 U.S.C. § 227(b)(3) and B&P Code § 17538.43(b).

6 148. 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.

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

13 150. Even if Defendants had any practices and procedures to prevent advertising in unlawful  
14 spam, such practices and procedures were not effective.

15 151. Plaintiffs are informed and believe and thereon allege that the false and deceptive  
16 elements of these spams represent willful acts, not clerical errors.

17 **G. Punitive Damages are Justified**

18 152. Civil Code § 3294 authorizes exemplary damages for malice, fraud, and oppression.

19 153. Plaintiffs are informed and believe and thereon allege that Defendants had actual  
20 knowledge that they were involved in unlawful spamming since November 9, 2010 when they  
21 received BALSAM's letter dated November 5, 2010.

22 154. **Exhibit G** is a true and correct copy of a letter BALSAM sent to Defendants on  
23 November 5, 2010.

24 155. Furthermore, the small claims division of the San Francisco Superior Court found that the  
25 spams were unlawful and Defendants were liable, when it entered judgment in BALSAM's small  
26 claims case on February 28, 2011.

27 156. Nevertheless, Plaintiffs are informed and believe and thereon allege that Defendants  
28 continued to advertise in unlawful spams because Defendants profited by doing so.

29 157. The spams were oppressive due to the volume of email, and fraudulent because they  
30 contained facially false content in the headers.

31

1 158. For the above reasons, this Court should find that Defendants were oppressive and  
2 fraudulent.

3  
4 **VI. DEFENDANTS ARE LIABLE FOR THE SPAMS**

5 159. MONIKER was the registrant/legal owner of the unlawfully-advertised domain names at  
6 issue at the time each spam was sent, **Exhibit E**, and Defendants are liable for wrongful use of  
7 their domain names.

8 160. Advertisers are strictly liable for advertising in spams, regardless of whether the  
9 advertiser knew that the spams were sent, and even if contracted third parties hit the Send button.  
10 See B&P Code § 17529(j), (k) and *Hypertouch v. ValueClick Inc.*, 192 Cal. App. 4th 805, 821-22  
11 (2d Dist. 2011).

12 **A. Courts Consider the Information in the Whois Database to Identify the Owner of the**  
13 **Domain Name**

14 161. In *Solid Host NL v. NameCheap*, the U.S. District Court for the Central District of  
15 California stated that “Technically, WHOIS is not the database, itself, but a protocol for  
16 submitting a query to a database in order to find contact information for the *owner* of a domain  
17 name.” 652 F. Supp. 2d 1092, 1095 n. 3 (C.D. Cal. 2009) (citing Matthew Bierlin & Gregory  
18 Smith, *Problems with Spyware and Phishing, Judicial and Legislative Developments in Internet*  
19 *Governance, and the Impacts on Privacy*, 1 I/S: J. L. & POL’Y FOR INFO. SOC’Y 279, 313  
20 (2005)) (emphasis added).

21 162. Therefore, since MONIKER is the owner of the domain names at issue, Defendants are  
22 liable for the unlawful spams advertising those domain names.

23 163. This should come as no surprise to Defendants. In addition to losing a small claims  
24 lawsuit to BALSAM based on identical spams, in *Silverstein v. E360Insight.com et al*, plaintiff  
25 Silverstein sued MONIKER for sending and/or advertising in unlawful spams in a fact pattern  
26 strikingly similar to the instant dispute. No. CV 07-2835 CAS (VBK), Document 32 (C.D. Cal.  
27 Oct. 1, 2007) (order denying defendants’ motion to dismiss). Moniker filed a motion to dismiss  
28 under Fed. Rule Civ. Proc. 12(b)(6). *Id.* The District Court denied Moniker’s motion to dismiss,  
29 holding that Moniker is liable under B&P Code § 17529.5 because domain names registered  
30 and/or owned by Moniker were advertised in the unlawful spams. *Id.* at \*6.

1 **B. MONIKER Admits that the Entity Identified in the Whois Databse is the Owner of a**  
2 **Domain Name**

3 164. Tellingly, MONIKER *itself* admits that the Whois database identifies the owner of a  
4 domain name. “WHOIS – pronounced ‘who is’ – is a ICANN mandated database protocol that  
5 makes it easy to find out who *owns* any domain.” Moniker Domain Privacy,  
6 <http://www.moniker.com/domainnames/domainprivacy.jsp> (last visited May 31, 2011) (emphasis  
7 added). **Exhibit H** is a true and correct copy of the page from MONIKER’s website.

8 165. Therefore, since MONIKER admits to being the owner of the domain names at issue,  
9 Defendants are liable for the unlawful spams advertising those domain names.

10  
11 **FIRST CAUSE OF ACTION**

12 **[Violations of California Restrictions on Unsolicited Commercial Email,**  
13 **California Business and Professions Code § 17529.5]**  
14 **(Against All Defendants)**

15 166. Plaintiffs hereby incorporates the foregoing paragraphs as though set forth in full herein.

16 167. Defendants advertised in 75 unlawful spams to BALSAM’s California email addresses,  
17 14 unlawful spams sent to RILEY’s California email address, 21 unlawful spams sent to  
18 KIRBY’s California email address, and 22 unlawful spams to BRIDGE’s California email  
19 address.

20 168. The statute of limitations for an anti-spam action pursuant to B&P Code § 17529.5 is one  
21 year. *Hypertouch*, 192 Cal. App. 4th at 842-43. The spams at issue are all within the statute of  
22 limitations.

23 169. Each and every spam had materially misrepresented and deceptive information in the  
24 headers in violation of B&P Code § 17529.5 due to: a) the use of third party domain names  
25 without permission, b) misrepresented From Names, c) forged From Email Addresses, d)  
26 falsified From Dates, and/or e) misleading Subject Lines.

27 170. Plaintiffs suffered damages by receiving the unlawful spams. B&P Code § 17529(d), (e),  
28 (g), (h).

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

31 172. Defendants are not entitled to any reduction in liquidated damages because Defendants  
cannot demonstrate that they have reasonably effective systems in place to prevent the sending of

1 unlawful spam in violation of the statute. Indeed, Defendants continued to advertise in unlawful  
2 spams despite actual knowledge of the unlawful nature of the spams, and after losing a lawsuit to  
3 BALSAM based on essentially identical spams.

4 173. Plaintiffs seek reimbursement of attorneys' fees and costs as authorized by B&P Code  
5 § 17529.5(b)(1)(C). The attorneys' fees provision for a prevailing plaintiff is typical of  
6 consumer protection statutes and supported by Code of Civil Procedure § 1021.5.

7 174. By prosecuting this action, Plaintiffs expect to enforce an important right affecting the  
8 public interest and thereby confer a significant benefit on the general public or a large class of  
9 persons.

10 175. The necessity and financial burden of private enforcement is such as to make the award  
11 appropriate, and the attorneys' fees should not, in the interest of justice, be paid out of the  
12 recovery of damages.

13  
14 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as hereinafter  
15 set forth.

16  
17 **PRAYER FOR RELIEF**

18 **(Jointly and Severally Against All Defendants)**

19 **A. By Plaintiff BALSAM**

- 20 1. Liquidated damages in the amount of \$75,000 – \$1,000 for each of 75 unlawful spam  
21 messages, as authorized by B&P Code § 17529.5(b)(1)(B)(ii).  
22 2. Attorneys' fees and costs, as authorized by B&P Code § 17529.5(b)(1)(C) and Code Civ.  
23 Proc. § 1021.5.  
24 3. Punitive damages, as authorized by Civ. Code § 3246.  
25 4. Such other and further relief as the Court deems proper.

26 **B. By Plaintiff RILEY**

- 27 1. Liquidated damages in the amount of \$14,000 – \$1,000 for each of 14 unlawful spam  
28 messages, as authorized by B&P Code § 17529.5(b)(1)(B)(ii).  
29 2. Attorneys' fees and costs, as authorized by B&P Code § 17529.5(b)(1)(C) and Code Civ.  
30 Proc. § 1021.5.  
31 3. Punitive damages, as authorized by Civ. Code § 3246.

4. Such other and further relief as the Court deems proper.

**C. By Plaintiff KIRBY**

1. Liquidated damages in the amount of \$21,000 – \$1,000 for each of 21 unlawful spam messages, as authorized by B&P Code § 17529.5(b)(1)(B)(ii).

2. Attorneys’ fees and costs, as authorized by B&P Code § 17529.5(b)(1)(C) and Code Civ. Proc. § 1021.5.

3. Punitive damages, as authorized by Civ. Code § 3246.

4. Such other and further relief as the Court deems proper.

**D. By Plaintiff BRIDGES**

1. Liquidated damages in the amount of \$22,000 – \$1,000 for each of 22 unlawful spam messages, as authorized by B&P Code § 17529.5(b)(1)(B)(ii).

2. Attorneys’ fees and costs, as authorized by B&P Code § 17529.5(b)(1)(C) and Code Civ. Proc. § 1021.5.

3. Punitive damages, as authorized by Civ. Code § 3246.

4. Such other and further relief as the Court deems proper.

LAW OFFICES OF TIMOTHY WALTON

Date: 9-19-11

BY: TJ Walton

TIMOTHY J. WALTON

Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury.

LAW OFFICES OF TIMOTHY WALTON

Date: 9-19-11

BY: TJ Walton

TIMOTHY J. WALTON

Attorneys for Plaintiffs

**VERIFICATIONS**

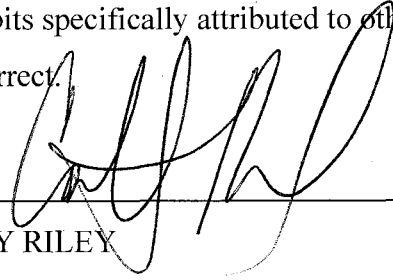
The undersigned for himself declares:

I am one of the Plaintiffs in the above-entitled action. I have read the foregoing 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, 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 and Exhibits are true and correct, except for paragraphs and exhibits specifically attributed to other plaintiffs, for which I am informed and believe are true and correct.

Date: 9/19/2011   
DANIEL BALSAM

The undersigned for herself declares:

I am one of the Plaintiffs in the above-entitled action. I have read the foregoing 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, 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 and Exhibits are true and correct, except for paragraphs and exhibits specifically attributed to other plaintiffs, for which I am informed and believe are true and correct.

Date: 9/19/2011   
CATHY RILEY

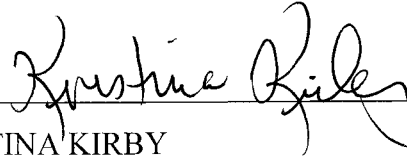
25 //  
26 //  
27 //  
28 //  
29 //  
30 //  
31 //

1 The undersigned for herself declares:

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

9  
10 Date:

9/16/11



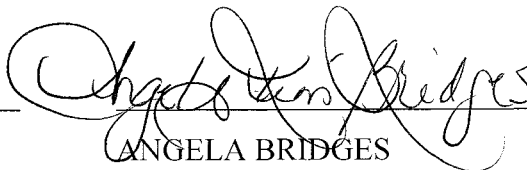
KRISTINA KIRBY

11  
12  
13 The undersigned for herself declares:

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

21  
22 Date:

9/16/11



ANGELA BRIDGES



**Exhibit A**  
**Summary of Spams Received by Balsam**

Number	Date	Fake Date	From Name	From Email Address	Error	Bounceback	Subject Line	Clickthrough Link	Address
1	11/2/2010		Sally	byutire@e7563.M.com	Invalid domain name		What Do You Think?	http://Sally22.hookupspot.net	No
2	11/5/2010		Kim	djixlce@Gz9Q3f.com	Yes		Personal Invite	http://kimmy22.hookupspot.net	No
3	11/15/2010		Kaarie Forbes	Kaarie1619591@yahoo.com	Yes		Lonely Ladies Looking	http://www.hookupme.net	No
4	12/30/2010		Brooke	notification-csgxldjvi@ujl5Y4p.com	Yes		Brooke Sent You A Message	http://www.newyears hookup.com	Facebook
5	1/1/2011		Lisa	jupevav@lyhoptimle.com	Yes		new in town	http://new2town.newyearsdate.net	No
6	1/3/2011		Nikki	eigeyhyw@dyrixasiku.com	Yes		new in town	http://new2town.newyearsdate.net	No
7	1/5/2011		Steph	ulmzoo@vonamaqd.com	Yes		new in town	http://www.fastwifes.com	No
8	1/9/2011		Tammy	mgwyd@zvoloaray.com	Yes		new in town	http://www.fastwifes.com	No
9	1/11/2011		Lisa	notification-xmbvrxpgjg@hEBmDjJ8B.com	Yes		Facebook Sent You a Message....	http://www.private-chatting.com	Facebook
10	1/13/2011		Nikki	kixohubcd@hyselfid.com	Yes		RE: Date	http://www.hookupme.net	No
11	1/14/2011		Facebook	password+tcguelkab@facebookmal.com]	Yes		Facebook Password Reset Confirmation	http://www.wintersingles.com	No
12	1/15/2011		Lisa	siik@wbjlaoubrn.com	Yes		your facebook	http://www.bigtimehookup.net	No
13	1/16/2011		Lisa	awfenen@wyqialy.com	Yes		Facebook	http://www.bigtimehookup.net	No
14	1/17/2011		Tammy	sbqaci@hawuho.com	Yes		your facebook	http://www.bigtimehookup.net	No
15	1/25/2011		Relationship Updates on behalf of SexSearch	metooco@akevyz.com	Yes		Get Laid Tonight	http://www.hookupme.net	No
16	1/26/2011		Relationship Updates on behalf of SexSearch	jeawmrei@u.com	Yes		Get Laid Tonight	http://www.hookupme.net	No
17	1/26/2011		Relationship Updates on behalf of SexSearch	fkom@iqgaz.com	Yes		Get Laid Tonight	http://www.localsexhookup.net	No
18	1/28/2011	2/1/2011	Relationship Updates on behalf of SexSearch	qkozeqe@yg.com	Yes		Get Laid Tonight	http://www.localsexhookup.net	No
19	1/31/2011		Sally	onoosi@96b51_.com	Invalid domain name		What Do You Think?	http://Sally22.datingsexygirls.net	No
20	2/3/2011		Relationship Updates on behalf of Cat	wogygyup@primus.ca	Yes		MeetUrMatch	http://www.fuckfriendsearch.com	No
21	2/4/2011		Relationship Updates on behalf of HOTGirl21	nuloqc@primus.ca	No		Just In Time For Valentines Day	http://www.fuckfriendsearch.com	No
22	2/5/2011	8/6/2001	Nancy	notification-jmrsnmlr@p056xu.com	Yes		Facebook Sent You a Message	http://www.friendlygirlhookup.com	Facebook
23	2/6/2011		Facebook	notification-hcgoaaoa@primus.ca	Yes		Sarah Sent You A Message	http://xxvovv.DATING4SEX.NET	Facebook
24	2/9/2011		Facebook	notification-aapeqyrwn@4A2dE.com	Yes		Sarah Sent You A Message	http://Badq_SearchSexySingles.net	Facebook
25	2/11/2011		Relationship Updates on behalf of The Fuckbook	ymduqxxdona@yvetOopX.com	Yes		hookup 2 Night!	http://www.lonelygirlschat.net	Facebook
26	2/13/2011		Facebook	notification+vcmalczl@JmByk.com	Yes		Sarah Sent You A Message	http://invite.hookupwithgirls.net	Facebook
27	2/14/2011		Facebook	notification-xiqhwsah@JKQ7km.com	Yes		Nikki Sent You A Message	http://invite.hookupwithgirls.net	Facebook
28	2/14/2011		Facebook	notification+nuwnvrayuv@Knf5zb0S.com	Yes		Nikki Sent You A Message	http://invite.hookupwithgirls.net	Facebook
29	2/14/2011		Relationship Updates on behalf of Be My Valentine	prfcmur@N6gI3Un.com	Yes		Late Night Hookups	http://www.lovelyocalgirls.net	No
30	2/15/2011		Sam	mxpoeix@hkquQm.com	Yes		Facebook Sent You A Message....	http://www.singlegirlhookup.com	Facebook
31	2/21/2011		Facebook	notification-gdrmeny@dfWwSYf.com	Yes		Sarah Sent You A Message	http://www.hornyocalgirls.net	Facebook
32	2/21/2011		Facebook	notification-pwthjhkvnt@t6BUt.com]	Yes		Sarah Sent You A Message	http://www.hornyocalgirls.net	Facebook
33	2/21/2011		Relationship Updates on behalf of Online Hookups	kmvjp@kTNY.com	Yes		Meet Her Tonight	http://www.lovelyocalgirls.net	No
34	2/26/2011		Relationship Updates on behalf of Sexy Ladies	nozrknexw@e08nO3yU.com	Yes		Fast Local Hookups	http://www.GIRLSWANTINGSEX.NET	No
35	2/26/2011		Kelly	notification+yggkbuo@3uejoJe.com	Yes		Facebook Or Fuckbook?	http://fuckbook.hornyocalgirls.net	Facebook
36	2/27/2011		Lindsay	ksgfsar@BaYGFJxm.com	Yes		New Naked Pictures	http://www.singlegirlhookup.com	Facebook
37	3/1/2011		Sarah	notification+figbz@V67ATbj.com	Yes		FuckBook Invite code: 0cjm	http://myfuckbook.meetgirlstnight.net	Facebook
38	3/1/2011		Sarah	notification+dvnockkzxb@Kiar3.com	Invalid domain name		FuckBook Invite code: gvTV1	http://myfuckbook.meetgirlstnight.net	Facebook
39	3/4/2011		Sally Randolph	notification+haiyhjh@GF806z.com	Yes		FuckBook Invite code: 55iq8	http://TheFuckBook.meetgirlstnight.net	Facebook

40	3/5/2011	Relationship Updates on behalf of Hot Hookups	geoxqrbn@Pp86T.com	Yes	Hot New Site	http://www.girlswantingsex.net	No
41	3/5/2011	HOTGirl4U	notification-ejolgkzbs@kF3rCaK.com	Yes	FuckBook Invite code: hbZmY/a	http://TheFuckBook.meetgirlstonight.net	Facebook
42	3/7/2011	FuckBook	notification+zsbseou@0J4F54.com	Yes	FuckBook Private Invite code: O4fIZAB	http://Invite.SUPERFUCKBOOK.NET	No
43	3/8/2011	Relationship Updates on behalf of Awesome New Naughty Site	reyqnulla@22I728Y.com	Yes	Local Ladies 4 NSA Fun	http://www.girlswantingsex.net	No
44	3/9/2011	FuckBook	notification+r0ckw@0klWm_c.com	Invalid domain name	FuckBook Private Invite code: 4IGI3	http://Invite.SUPERFUCKBOOK.NET	No
45	3/9/2011	FuckBook	notification+qahaostroa@g25TVu.com]	Yes	FuckBook Private Invite code: 4R5NwY	http://Invite.SUPERFUCKBOOK.NET	No
46	3/18/2011	FuckBook	notification+daykqin@NVWJ9o.com	Yes	FuckBook Private Invite code: Q9WU7_Kc	http://Invite.SUPERFUCKBOOK.NET	No
47	3/19/2011	Brooke	notification+luxgafoc@17PZzJ7.com	Yes	Brooke Sent A Fuckbook Invite	http://www.myfuckbuddybook.com	Facebook
48	3/25/2011	FuckBook	notification+bsajxeav@5K6Rmyn.com	Yes	FuckBook Private Invite code: 8GF66	http://www.fuckbookhookup.net	No
49	3/28/2011	FuckBook	notification+r0cfczuxce@5JzEXFy2.com	Yes	FuckBook Private Invite code: cwF1mX	http://www.fuckbookhookup.net	No
50	3/30/2011	Awesome Ladies	notification+qakoglux@it171.com	Yes	FuckBook Invite code: nIMzm0	http://www.girlswantingsex.net	No
51	4/11/2011	Facebook	notification+kiaaj@3Mo1F.com	Yes	Julie Sent You A Message	http://julie.hookup-hangout.com	Facebook
52	5/2/2011	Facebook	noreply@hookupquicktonight.net	Yes	Sarah Sent You A Message	http://www.hookupquicktonight.net	Facebook
53	5/3/2011	Facebook	noreply@fbhookup.net	No	Sarah Sent You A Message	http://www.fbhookup.net	Facebook
54	5/4/2011	Facebook	noreply@fbhookup.net	No	Sarah Sent You A Message	http://www.fbhookup.net	Facebook
55	5/26/2011	Hookups Are Us	zpgxpre@GjPkR0q.com	Yes	Local Ladies Looking 4 Hookups	http://www.entertainmentdating.net	No
56	5/29/2011	Naughty Ladies	llegocjzmb@n1X21.com	Yes	Local Ladies Looking 4 Hookups	http://www.extremedating.net	No
57	5/30/2011	Sexy Girl28	bsivvyxka@aol.com	Invalid domain name	FuckBuddys	http://www.wetwilddates.net	No
58	6/16/2011	Awesome Hookups	[none]	Invalid domain name	Spice It Up	http://www.speedshagdating.net	No
59	6/16/2011	Wicked Wanda	noreply@sendspace.com	No	Your Fathers Day Gift...	http://www.speedshagdating.net	No
60	6/19/2011	Wild Ladies	notification+aaugnkvib@0dqkw_Fr.com	Yes	FuckBook Invite code: r4ZXz	http://www.datehertonight.net	No
61	6/22/2011	Facebook	notification+eupxtgkt@6Csm7_.com	Invalid domain name	Sarah Sent You A Message	http://findme02311.smokindatetonight.net	Facebook
62	6/24/2011	Facebook	notification+dpofhu@HVgmFS.com	Yes	Peter Sent You A Message	http://www.FINDSUMMERLOVEIN.NET	Facebook
63	6/26/2011	Lindsay	noreply@Y4mRxcMf0q.com	Yes	Lets hook up	http://www.easydatehookup.net	No
64	6/26/2011	Facebook	notification+yivppih@U2P87ZU5.com	Yes	Sarah Sent You A Message	http://www.FINDSUMMERLOVEIN.NET	Facebook
65	6/28/2011	Heather Brooke	noreply@smh3L92U.com	Yes	Lets hook up	http://www.easydatehookup.net	No
66	6/28/2011	Dating master	noreply@t91j4T146.com	Yes	Newest singles site	http://www.easydatehookup.net	No
67	6/29/2011	Facebook	notification+oyiclduqdf@814RD60d.com	Yes	Sarah Sent You A Message	http://www.FINDSUMMERLOVEIN.NET	Facebook
68	6/29/2011	Facebook	notification+aorbojeiz@55W76_.com	Invalid domain name	Sam Sent You A Message	http://www.FINDSUMMERLOVEIN.NET	Facebook
69	6/30/2011	Fara Long	fl@nytimes.com	No	News Alert: New Adult Site Launched	http://www.summerdatenights.net	No
70	7/9/2011	Katie	noreply@GIZ09L_S46t.com	Yes	whats up?	http://www.hotsummerdating.com	No
71	7/17/2011	Facebook	notification+sanaym@wamiyzqqa.com	Yes	EVA Sent You A Message	http://SUMMERTIMEHOOKUPS.COM	Facebook
72	8/12/2011	none	sgzwlezhz@v89y3Hs.com	Yes	Discreet Affair	http://www.datingboink.com	No
73	8/30/2011	Facebook	notification+zupfoe@yahoo.com	Yes	sally Sent You A Message	http://www.HOTTIESTHATBOINK.COM	Facebook
74	9/4/2011	Facebook	notification+yarihgapel@roadrunner.com	Yes	sally Sent You A Message	http://www.HOTTIESTHATBOINK.COM	Facebook
75	9/18/2011	Facebook	notification+stbodu@wET32_o.com	Invalid domain name	A Secret Admirer Sent You a Message	http://www.BABESTHATLIKEDATING.COM	Facebook

**Exhibit B**  
**Summary of Spams Received by Riley**

Number	Date	From Name	From Email Address	Subject Line	Clickthrough Link	Address
1	7/7/2011	Heather	noreply@iv77R_IT1gx.com	Hook up request	http://www.nightlydatehookups.net	No
2	7/9/2011	Facebook	notification+zepoizhxiwgy@jgyriqa.com	ALICIA Sent You A Message	http://hotsummer-hookups.net	Facebook
3	7/10/2011	Facebook	notification+yjihanyo@icel.com	EVA Sent You A Message	http://hotsummer-hookups.net	Facebook
4	7/12/2011	SexyTime	viirtan@ilmnctgbe.com	Do You Want To Have Sex?	http://www.hotsummerdate.com	No
5	7/25/2011	Sex-Tonight	spsskk@cogoqidwi.com	Wanna Have Sex?	http://www.wetnhotdating.com	No
6	7/26/2011	Sex-Tonight	tqtppfz@jnjevslrx.com	Wanna Have Sex?	http://www.wetnhotdating.com	No
7	8/6/2011	Adult Dating	stqaypmhtrn@U78Tx_g.com	News Alert: New Adult Dating Site	http://austinwiskersbety.DATINGTOBOINK.COM	No
8	8/11/2011	AMBER	xohadr@aeyhueht.com	Hot Date	http://lonelyhottiestodate.com	No
9	8/19/2011	CLARA	pyiek@gmail.com	Private Invite	http://lonelyhottiestodate.com	No
10	8/20/2011	DEBBIE	yfoowhyr@wzynukduc.com	For Life or for tonight	http://scnurse55.datingtoboink.com	No
11	8/21/2011	Facebook	notification+ljpcfk@roadrunner.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
12	8/29/2011	Facebook	notification+rbxombib@roadrunner.com	sally Sent You A Message	http://www.HOTTIESTHATBOINK.COM	Facebook
13	9/7/2011	Facebook	notification+fowoubiczow@W2qNz.com	A Secret Admirer Sent You A Message	http://www.REALLYHOTDATINGTONIGHT.COM	Facebook
14	9/16/2011	sandra	notification+erlcvo@rocketmail.com	Sandra Sent You A Message	http://www.DATETHATBENOW.COM	No

**Exhibit C**  
**Summary of Spams Received by Kirby**

Number	Date	From Name	From Email Address	Subject Line	Clickthrough Link	Address
1	8/8/2011	Adult Dating	zoeoolow@M89ty_.com	New Adult Dating Site	http://manner14.DATINGTOBONK.COM	No
2	8/12/2011	GAIL	jiupyyuk@gmail.com	For Life or for tonight	http://lonelyhottiestodate.com	No
3	8/14/2011	Amy23	93135841@z211.breverenwo.com	Busty Babe Looking to meet..	http://93135841.ssi-cert9298.com/c.php?aid=179&lid=3013	Singapore
4	8/16/2011	KISS	93135841@z122.commieve.com)	KISS KISS KISS KISS KISS KISS	http://93135841.ssi-cert9291.com/c.php?aid=179&lid=3042	Singapore
5	8/18/2011	CRYSTAL	xmeemsjywskul@tucaxbxyy.com	For Life or for tonight	http://krist.ssk.lonelyhottiestodate.com	No
6	8/18/2011	Dating Connection	auxpvqncrbui@jaqdo.com	For Life or for tonight	http://www.lonelyhottiestodate.com/	No
7	8/19/2011	F U c k B o o k	eliuajoglyuyba@gmail.com	Private Message	http://www.lonelyhottiestodate.com/	No
8	8/19/2011	LESLIE	stwjnaroch@gmail.com	inbox Message	http://www.lonelyhottiestodate.com/	No
9	8/22/2011	Facebook	notification+cvaahntv@roadrunner.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
10	8/22/2011	Facebook	notification+eaxnuydbug@facebook.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
11	8/25/2011	Facebook	notification+kohizule@facebookmail.com	U have Mail	http://www.datehenshagtonight.com	Facebook
12	8/25/2011	Facebook	notification+ucjlug@facebook.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
13	8/26/2011	Facebook	notification+npknptuock@rocketmail.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
14	8/26/2011	Facebook	notification+lexjjuuxk@yahoo.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
15	9/6/2011	Facebook	notification+vkibbooshk@roadrunner.com	Gina Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
16	9/6/2011	Facebook	notification+nbiirggza@gmail.com	Gina Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
17	9/8/2011	Facebook	notification+wvaasfmq@yahoo.ca	Gina Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
18	9/9/2011	Facebook	notification+hkzq@facebook.com	sally Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
19	9/10/2011	Facebook	notification+yycjutsim@gmail.com	Becky Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
20	9/11/2011	F U c k B o o k	axelohbuyojtil@gmail.com	Personal Message	http://www.DATETHATHOTTIE.COM	None
21	9/12/2011	Facebook	notification+htgdedp@rocketmail.com	sally Sent You A Message	http://www.HOTTIESTHATBOINK.COM	Facebook

**Exhibit D**  
**Summary of Spams Received by Bridges**



Number	Date	From Name	From Email Address	Subject Line	Clickthrough Link	Address
1	7/20/2011	Facebook	notification+syufkqbi@ous.com	ALICIA Sent You A Message	http://BOINKDATING.COM	Facebook
2	7/20/2011	Facebook	notification+hjjaoyvpsoc@urituq.com	JOANNE Sent You A Message	http://BOINKDATING.COM	Facebook
3	7/22/2011	Dating 4 Adults	szzgslnuye@OH8mB_k6.com	Dating 4 Adults	http://efraces.speedhookuptonight.com	No
4	8/8/2011	Facebook	notification+oicua@gfuvoije.com	CRYSTAL Sent You A Message	http://findahotsummerdate.com	Facebook
5	8/15/2011	VALERIE	xem@lasyxmjuc.com	Hot Date	http://kimbrickr.lonelyhottiestodate.com	No
6	8/19/2011	ALICIA	raowviyc@dedyaurta.com	Date Night	http://kimbrickmoris.datingtoboink.com	No
7	8/22/2011	Facebook	notification+ubxunth@yahoo.ca	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
8	8/22/2011	Facebook	notification+iggggkhfx@excite.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
9	8/27/2011	Facebook	notification+zirhrp@excite.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
10	8/27/2011	Facebook	notification+oonrbxyoj@rocketmail.com	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
11	8/28/2011	Facebook	notification+moexwsvmkv@yahoo.ca	Sarah Sent You A Message	http://www.shagdatingtonight.com	Facebook
12	8/30/2011	Facebook	notification+erduudhz@hNidHJln.com	Sarah Sent You A Message	http://www.REALLYHOTDATINGTONIGHT.COM	Facebook
13	8/30/2011	Facebook	notification+ootfbriue@rocketmail.com	Gina Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
14	9/6/2011	Facebook	notification+entioqjss@rocketmail.com	sally Sent You A Message	http://www.HOTTIESTHATBOINK.COM	Facebook
15	9/7/2011	Facebook	notification+isjbra@roadrunner.com	Tina Sent You A Message	http://www.SEXYBABETODATE.COM	Facebook
16	9/8/2011	Facebook	notification+caeixxc@8194X_.com	A Secret Admirer Sent You A Message	http://www.REALLYHOTDATINGTONIGHT.COM	Facebook
17	9/8/2011	Facebook	notification+oglfua@yahoo.com	Gina Sent You A Message	http://www.HOTTIESTODATETONIGHT.COM	Facebook
18	9/9/2011	Facebook	notification+muvbphdege@excite.com	Becky Sent You A Message	http://www.DATETHATHOTTIE.COM	Facebook
19	9/13/2011	Facebook	notification+emaiwqh@51BO9d.com	LOcal Ladies Looking	http://www.BABESTHATLIKEDATING.COM	Facebook
20	9/14/2011	sandra	notification+gbdizdnks@facebook.com	Sandra Sent You A Message	http://www.DATETHATBABENOW.COM	No
21	9/15/2011	sandra	notification+xxaooofpaix@excite.com	Sandra Sent You A Message	http://www.DATETHATBABENOW.COM	No
22	9/15/2011	Facebook	notification+jmiaqvrm@WSvaR.com	A Secret Admirer Sent You a Message	http://www.BABESTHATLIKEDATING.COM	Facebook

**Exhibit E**  
**Whois Query Results for Domain Name *singlegirlhookup.com***

[Network Solutions](#) >> [Whois](#) >> Results  
[Log In](#)

Call **1-877-887-9615** to Save More Today.



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- [Renew](#)
- [Transfer](#)
- [Features](#)
- [Private Registration](#)
- [Forward](#)
- [WHOIS](#)

**WHOIS Results for singlegirlhookup.com**

Available domain names similar to singlegirlhookup.com

Available Extensions

- [singlegirlhookup.net](#)
- [singlegirlhookup.tel](#)
- [singlegirlhookup.org](#)
- [singlegirlhookup.us](#)

Available Domains

- [single-girl-hookup.com](#)
- [hit-girl-hookup.com](#)
- [singlechickhookup.com](#)
- [hitgirlhookup.com](#)

Premium Resale Domains

- [girlorboy.com](#) **\$1,250**
- [southerncaliforniasingles.com](#) **\$849**
- [chooseboyorgirl.com](#) **\$499**
- [alamedasingles.com](#) **\$1,449**
- [singlegirlhookup.eu](#)
- [singlegirlhookup.info](#)
- [singlegirlhookup.mobi](#)
- [singlegirlhookup.biz](#)
- [singlegirlhookup.tv](#)
- [singlegirlhookup.co.uk](#)
- [single-chick-hookup.com](#)
- [single-girl-connection.com](#)
- [single-babe-hookup.com](#)
- [singlebabehookup.com](#)
- [hitgirlhookup.com](#)
- [hit-girl-connection.com](#)
- [singlesk.com](#) **\$4,999**
- [girlssingle.com](#) **\$1,799**
- [singlechef.com](#) **\$1,795**

[View more](#)

[Add Selected to Cart](#)

singlegirlhookup.com

Is this your domain name? [Renew it now.](#)

Need **help** registering a domain? [click to chat](#)



**Current Registrar:** MONIKER ONLINE SERVICES, INC.  
**IP Address:** [222.245.135.162](http://222.245.135.162) (ARIN & RIPE IP search)  
**Lock Status:** clientDeleteProhibited

Moniker Whois Server Version 2.0

The Data in Moniker's WHOIS database is provided for information purposes only, and is designed to assist persons in obtaining information related to domain name registration records. Moniker does not guarantee its accuracy. By submitting a WHOIS query, you agree that you will use this Data only for lawful purposes and that, under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail (spam), telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to Moniker (or its systems). Moniker reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of Moniker.

Domain Name: SINGLEGIRLHOOKUP.COM  
 Registrar: MONIKER

Registrant [3543927]:  
 Moniker Privacy Services SINGLEGIRLHOOKUP.COM@domainservice.c  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US

Administrative Contact [3543927]:  
 Moniker Privacy Services SINGLEGIRLHOOKUP.COM@domainservice.c  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US  
 Phone: +1.9549848445  
 Fax: +1.9549699155

Billing Contact [3543927]:  
 Moniker Privacy Services SINGLEGIRLHOOKUP.COM@domainservice.c  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US  
 Phone: +1.9549848445  
 Fax: +1.9549699155

Technical Contact [3543927]:  
 Moniker Privacy Services SINGLEGIRLHOOKUP.COM@domainservice.c  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach

FL  
33069  
US  
Phone: +1.9549848445  
Fax: +1.9549699155

Domain servers in listed order:

NS1.DOMAINSERVICE.COM 208.73.210.41  
NS2.DOMAINSERVICE.COM 208.73.211.42  
NS3.DOMAINSERVICE.COM  
NS4.DOMAINSERVICE.COM

Record created on: 2011-02-07 00:26:58.0  
Database last updated on: 2011-02-13 20:44:17.58  
Domain Expires on: 2012-02-07 00:26:59.0

The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

[Show underlying registry data for this record](#)



Make an instant, anonymous offer to the current domain registrant. [Learn More](#)



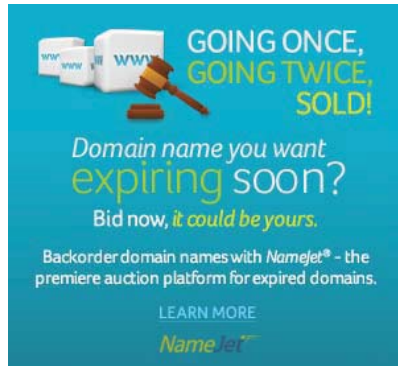
Search Again

Search again here...

Search by either

- [Domain Name](#) e.g. networksolutions.com
- [IP Address](#) e.g. 205.178.187.13



An advertisement for NameJet, a domain auction platform. The background is a solid teal color. In the top left, there are three white blocks with 'www' written on them, and a wooden gavel with a brown handle and a wooden head. The text 'GOING ONCE, GOING TWICE, SOLD!' is written in white and yellow. Below this, the text 'Domain name you want expiring soon?' is written in white and yellow. Underneath that, it says 'Bid now, it could be yours.' in white. Further down, it says 'Backorder domain names with NameJet® - the premiere auction platform for expired domains.' in white. At the bottom, there is a link 'LEARN MORE' in white and the NameJet logo in white and yellow.

GOING ONCE,  
GOING TWICE,  
SOLD!

Domain name you want  
expiring soon?

Bid now, *it could be yours.*

Backorder domain names with NameJet® - the  
premiere auction platform for expired domains.

[LEARN MORE](#)

NameJet




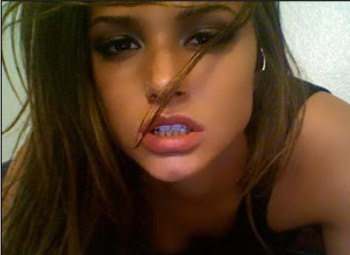

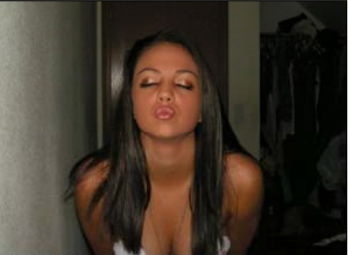






**Exhibit F**  
**Landing Page at *singlegirlhookup.com* Website**

Local Sex Search - Windows Internet Explorer  
 http://www.singlegirlhookup.com/sb6/

34577 members online right now  
**REGISTER FREE**  
 World's most famous dating site. As Seen on TV.

**Fuckbook™**  
 FIND. FLIRT. FUCK TONIGHT.

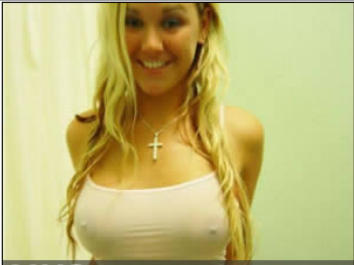
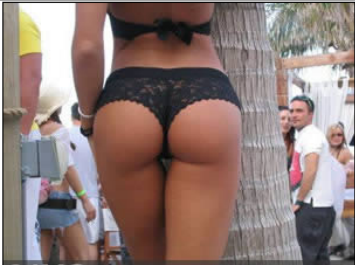






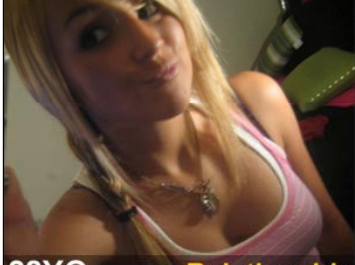






4677 Girls Online  
 Less than 15 miles away from you  
 Explicit images hidden. Must login

 18YO wants <b>Nice Boys!</b>	 22YO wants <b>Relationship</b>	 24YO wants <b>Older Guys</b>
 24YO wants <b>SexSexSex</b>	 25YO wants <b>Smaller Penis</b>	 19YO wants <b>1-Night Stand</b>
 27YO wants <b>Sex Tonight</b>	 26YO wants <b>Adventure!</b>	 29YO wants <b>Anything</b>
 22YO wants <b>Smart Guys</b>	 21YO wants <b>Casual Sex</b>	 19YO wants <b>Hung Guys</b>

Internet | Protected Mode: On 100%









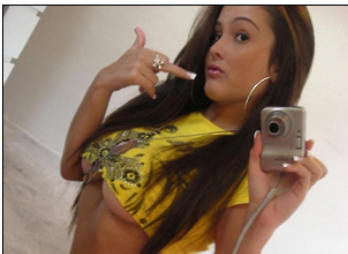
Local Sex Search - Windows Internet Explorer  
<http://www.singlegirlhookup.com/sb6/>  
 Local Sex Search

 26YO wants <b>Relationship</b>	 21YO wants <b>Wine &amp; Sex</b>	 18YO wants <b>Wild Sex</b>
 24YO wants <b>Discreet Sex</b>	 22YO wants <b>Doggystyle!</b>	 33YO wants <b>Fun Guy!</b>
 23YO wants <b>Titty Fuck Me</b>	 18YO wants <b>Casual Sex</b>	 28YO wants <b>Relationship</b>
 19YO wants <b>Geeky Guys</b>	 20YO wants <b>Sex Tonight</b>	 23YO wants <b>Casual Sex</b>
 25YO wants <b>Hardcore!</b>	 22YO wants <b>Fuck Buddy</b>	 26YO wants <b>1-Night-Stand</b>

<http://www.singlegirlhookup.com/sb6/profile.php-15miles=searchinmycity-foi> Internet | Protected Mode: On 100%

Local Sex Search - Windows Internet Explorer  
http://www.singlegirlhookup.com/sb6/

Local Sex Search

 <b>21YO</b> wants <b>Kinky Sex</b>	 <b>18YO</b> wants <b>1-Nite-Stand</b>	 <b>19YO</b> wants <b>1-Nite-Stand</b>
 <b>22YO</b> wants <b>Hardcore</b>	 <b>23YO</b> wants <b>Anything</b>	 <b>18YO</b> wants <b>No Strings Sex</b>
 <b>24YO</b> wants <b>Anything</b>		

Results truncated...  
For members only.

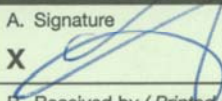
**REGISTER!**  
it's free!

Unsubscribe  
Email:  
  
Unsubscribe

Internet | Protected Mode: On 100%

**Exhibit G**

**Balsam's November 5, 2010 Letter to Defendants Regarding Unlawful Spamming  
Advertising Domain Names Owned by Defendants**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent</span></p> <p><b>X</b>  <span style="float: right;"><input checked="" type="checkbox"/> Addressee</span></p> <p>B. Received by ( <i>Printed Name</i> ) <span style="float: right;">NOV 03 2007</span></p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>Moniker.com</i>  <i>515 South Flower St, Ste 4400</i>  <i>Los Angeles, CA 90071</i>  <i>Attn: Legal Dept</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>
<p>2. Article Number  (<i>Transfer from service label</i>)</p>	<p>7006 0100 0003 4467 6192</p>
<p>PS Form 3811, February 2004 <span style="margin-left: 200px;">Domestic Return Receipt</span> <span style="float: right;">102595-02-M</span></p>	

**The Law Offices of Daniel Balsam**  
**3145 Geary Blvd. #225 • San Francisco, CA 94118**  
**Tel. & Fax: (415) 869-2873 • Email: legal@danbalsam.com**

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November 5, 2010

Moniker.com  
515 South Flower Street, Suite 4400  
Los Angeles, CA 90071  
Attn: Legal Department  
*Sent via USPS certified mail*

**Re: Hookupspot.net**

Dear Legal Department:

I recently received three unlawful spams (Oct. 30, Nov. 2, Nov. 5) advertising the website *www.Hookupspot.net*. See attached, redacted only to remove my email address, which has nothing to do with the falsity and deception in the spams.

All three spams violate Cal. Bus. & Prof. Code § 17529.5(a)(2), which prohibits falsified information in email headers. Oct. 30 and Nov. 5 have falsified sending email addresses, as shown by the error bouncebacks I received when I sent test emails. Nov. 2. also has a falsified email address because the underscore character is not permitted in domain names; I couldn't even send a test email. Oct. 30 also falsely claims that it was sent by Facebook.

All three spams also violate Cal. Bus. & Prof. Code § 17529.5(a)(3), which prohibits misleading subject lines. "Nikki Sent You a Message," "What Do You Think?," and "Personal Invite" do not clearly disclose the nature of the emails, which is to advertise pornographic websites.

None of the three spams show the true physical mailing address of the sender or advertiser (notwithstanding the false reference to Facebook's address), and none have a means of opting out, both of which violate federal law.

Because Moniker chooses to offer private registration services, that means that Moniker is the legal owner of the domain name *Hookupspot.net*, which is why Moniker appears in the whois database and not the actual spammer. Pursuant to paragraph 3.7.7.3 of the ICANN Registration Agreement, Moniker agreed to accept all liability for harm involving the wrongful use of its domain name, unless it promptly provides me with the identity of its licensee using the domain name.

In short, I ask that you provide me with the identity of your licensee unlawfully using your domain name *Hookupspot.net* within 10 days of your receipt of this letter. That's all you need to do to avoid liability. If you refuse to do so, I will have to take legal action against Moniker. You've already been down this path with Bill Silverstein, at what I suspect is considerable expense. I hope we can avoid that sort of unpleasantness here.

I look forward to your timely response.

Sincerely,

Daniel L. Balsam

## Dan Balsam

---

**From:** Facebook [notification+gepshzabnn@4sRs1.com]  
**Sent:** Saturday, October 30, 2010 10:29 AM  
**To:** darrylstewart7@hotmail.com  
**Subject:** Nikki Sent You A Message

Nikki Sent you a message

Check Out My New Pics i posted  
<http://www.hookupspot.net>

To reply to this message, follow the link below:  
<http://www.facebook/n/?inbox/readmessage.php>

---

This message was intended for darrylstewart7@hotmail.com. Want to control which emails you receive from Facebook? Go to:  
<http://www.facebook.com/editaccount.php>  
facebook's offices are located at 1601 S. California Ave., Palo Alto, CA 94304.

</

## Dan Balsam

---

**From:** postmaster@mail.hotmail.com  
**Sent:** Friday, November 05, 2010 11:31 AM  
**To:** dan987@hotmail.com  
**Subject:** Delivery Status Notification (Failure)

**Attachments:** details.txt; Nikki Sent You A Message (1.17 KB)



details.txt (327 B) Nikki Sent You A  
Message (1.1...

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed.

gepszabnn@4sRs1.com

## Dan Balsam

---

**From:** Sally [byutre@e7563\_M.com]  
**Sent:** Tuesday, November 02, 2010 11:21 AM  
**To:** darrylstewart7@hotmail.com  
**Subject:** What Do You Think?

I just posted some new pics on my profile. Let me know what you think please :)

i like the main one the best, Its amazing how big my boobs look tho.  
here is the link <http://Sally22.hookupspot.net>

Cheers Babe :)



## Dan Balsam

---

**From:** Kim [rdjxlce@Gz9Q3f.com]  
**Sent:** Friday, November 05, 2010 4:30 AM  
**To:** darrylstewart7@hotmail.com  
**Subject:** Personal Invite

hey whats up..  
i was wondering if you would like to chat?  
i noticed that you live close to me.

I have included my picyter for you.  
If you like it hit me up on hookupspot!

Me  
<http://www.hookupspot.net/kim2210282010.jpg>

you can contact me here:  
<http://kimmy22.hookupspot.net>

## Dan Balsam

---

**From:** postmaster@mail.hotmail.com  
**Sent:** Friday, November 05, 2010 11:32 AM  
**To:** dan987@hotmail.com  
**Subject:** Delivery Status Notification (Failure)

**Attachments:** details.txt; Personal Invite (1.01 KB)



details.txt (326 B)



Personal Invite  
(1.01 KB)

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients failed.

rdjixlce@Gz9Q3f.com

**Exhibit H**

**Moniker's Admission that the Whois Database Identifies the Owner of a Domain Name**

Whois domain name privacy -Moniker - Windows Internet Explorer

http://www.moniker.com/domainnames/domainprivacy.jsp

Google

CL Apt Amazon BBQ Facebook Spam Google Introspect Log In Kayak.com Lexis My Yahoo! Netflix Our Kitties

Whois domain name privacy -Moniker

SUPPORT WHOIS CART SIGN IN

Home Find Domains Domain Auctions Domain Brokerage **Domain Products** News & Resources My Account

## Domain Privacy

### Keep your contact information private

WHOIS – pronounced “who is” – is a ICANN mandated database protocol that makes it easy to find out who owns any domain. [Try it with Moniker’s WHOIS search.](#)

WHOIS was developed in the early days of the Internet as a way for system administrators to keep tabs on domain ownership. Without protection, your contact information remains completely transparent and accessible to everyone on the web.

Those records could include your name, address, phone number and e-mail address. Without WHOIS privacy protection, competitors, spammers and other prying eyes could be collecting this information without your permission.

*But you can stop them, with Moniker’s Domain WHOIS Privacy.*


Domain Privacy acts as an iron curtain between you and the outside world. WHOIS queries are directed to Moniker Privacy Services. Your identity and privacy are protected against:

- Unsolicited e-mail/spam
- Fraudulent domain transfers
- Identity theft
- Unwanted telephone solicitation
- And more

Moniker is an ICANN-Accredited Domain Registrar. Our Domain WHOIS Privacy is compliant with all ICANN guidelines.

[Add WHOIS Domain Privacy](#)

[Add Domain Privacy](#)



**For Support**  
Please visit our [support portal](#)

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BBB ICANN

Internet | Protected Mode: On 100%