

1 Timothy J. Walton (State Bar No. 184292)  
2 WALTON & ROESS LLP  
3 407 South California  
Suite 8  
4 Palo Alto, CA 94306

5 Phone (650) 566-8500  
6 Fax: (650) 618-8687

7 Attorneys for Plaintiff  
8 DANIEL L. BALSAM

**FILED**  
San Francisco County Superior Court

FEB 28 2008

GORDON PARK-LI, Clerk

BY: [Signature]  
Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SAN FRANCISCO (UNLIMITED JURISDICTION)**

11 DANIEL L. BALSAM, ) Case No.: 441630  
12 )  
13 Plaintiff, ) **JUDGMENT OF COURT**  
14 vs. )  
15 DSG DIRECT, INC., et al., )  
Defendants. )

- 16 1. Defendants DSG DIRECT, INC., YOUR-INFO, INC. and DIABETIC PLUS, INC. were  
17 each properly served with a copy of the summons and complaint.  
18  
19 2. Defendants DSG DIRECT, INC., YOUR-INFO, INC. and DIABETIC PLUS, INC., filed  
20 an answer but failed to appear at trial call.  
21  
22 3. The Court considered Plaintiff's oral testimony, heard on February 25, 2008.  
23  
24 4. The Court finds that commercial email subject lines that advertise goods/services as  
25 being free without clearly disclosing in the subject lines that there are conditions attached  
26 are deceptive and violate Cal. Bus. & Prof. Code § 17529.5(a)(3) and the Consumers  
27 Legal Remedies Act (Civil Code § 1750 *et seq.*)

1 5. The Court finds that a domain name is analogous to an identity on the Internet. The  
2 Court finds that sending commercial emails from multiple domain names, when there is  
3 no justifiable business rationale for doing so: 1) is a deceptive means for the sender to  
4 portray itself as if it were actually multiple entities, and 2) is a deceptive means of  
5 evading spam filters, and therefore 3) violates Cal. Bus. & Prof. Code § 17529.5(a)(2).  
6

7 6. Judgment is entered as follows by the Court:

8 7. Judgment is for Plaintiff DANIEL L. BALSAM and against Defendants DSG DIRECT,  
9 INC., YOUR-INFO, INC. and DIABETIC PLUS, INC.

10 8. Defendants DSG DIRECT, INC. and YOUR-INFO, INC. are jointly and severally liable  
11 to Plaintiff on the complaint: \$169,167.00 in damages, \$26,000.00 in attorneys' fees, and  
12 \$4,000.00 in costs, for a total ~~money judgment of \$200,167.00.~~  
*of \$199,167*

13 *In addition JRG.*  
14 ~~9.~~ Defendant DIABETIC PLUS, INC. is liable to Plaintiff on the complaint: \$1,000.00 in  
15 *JRG.* damages, for a total money judgment of ~~\$1,000.00.~~  
*JRG. \$200,167.00*

16 ~~10.~~ Defendants DSG DIRECT, INC., YOUR-INFO, INC. and DIABETIC PLUS, INC. and  
17 each of them, are prohibited from sending unlawful commercial email advertising either  
18 directly or through agents, servants, and employees. All persons acting under, in concert  
19 with, or for Defendants DSG DIRECT, INC., YOUR-INFO, INC. and DIABETIC PLUS,  
20 INC. are similarly prohibited from sending unlawful commercial email advertising.  
21

22  
23 IT IS SO ORDERED:

24 Date: *2-27-08*

*William R. Gargano*  
\_\_\_\_\_  
Judge of the Superior Court

25 **WILLIAM R. GARGANO**  
26 **Commissioner**  
27