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The Honorable Ricardo Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

AVTECH DIRECT, also doing business as AVTECH COMPUTERS and EDUCATIONAL PURCHASING SERVICES; ARLENE SEDIQZAD, also known as ARLENE GRANT and ARLENE HUNZIKER, manager of AVTECH DIRECT, individually and on behalf of her marital community; and GARY HUNZIKER, manager of AVTECH DIRECT, individually and on behalf of his marital community; MD&I CORPORATION, a California for-profit corporation; and MIN HUI ZHAO, also known as MICHAEL ZHAO, individually, and on behalf of his marital community,

Defendants.

NO. CV04-2171RSM

DECLARATION OF AARON
CAPLAN

I, Aaron Caplan declare as follows:

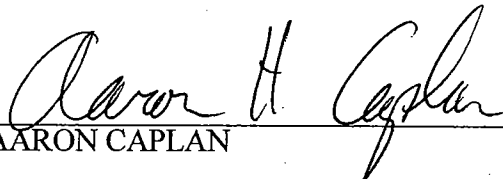
1. I am over the age of eighteen (18), competent to make this declaration, and I am not a party this action.

- 1 2. At all times relevant to the matters herein, I have been a resident of Washington State. I
2 am employed as a staff Attorney at the American Civil Liberties Union of Washington.
- 3 3. Since at least August 2, 2004 I have received several unsolicited e-mails from Avtech
4 Direct. A true and correct copy of an e-mail message from August 2, 2004 is attached
5 as ~~Exhibit A, pages 1-2~~ ^(pages 4 & 5) and a true and correct copy of an email message from August 9,
6 2004 is attached as ~~Exhibit #B, pages 1-2~~ ^(pages 6 & 7). Both of these e-mails were submitted to the
7 Washington State Attorney General's Office as attachments to my consumer complaint
8 against Avtech Direct.
- 9 4. The email messages were addressed to my email account at the ACLU of Washington,
10 a non-profit organization. There had been no prior contact with Avtech Direct
11 requesting e-mail or agreeing to its receipt by either myself or anyone else at the ACLU
12 of Washington.
- 13 5. The from line of the email reads, "Admin" and the subject line reads, "staff bulletin" ⁱⁿ ~~my mailbox~~ ^{ANC}. When it first arrived in my mailbox, I believed that the email message
14 ~~ANC~~ originated from the administration of my organization, and considered it to be official
15 business. I opened the email expecting to see something important from our office
16 administrator about a staff meeting or other office procedure. I felt misused in this
17 situation to find out that it was an advertisement from a for-profit company with which
18 I had no prior relationship. Ordinarily, if I receive e-mail where the subject line or from
19 line suggests that it is an unsolicited advertisement, I will delete it without reading it.
20 With the Avtech e-mail, I had been tricked into opening it under false pretenses. It was
21 not until the third or fourth time that I received these unwanted e-mails from Avtech
22 that I got to the point I could recognize them and delete them before opening and
23 reading them.
- 24
25 6. I have not contacted Avtech to stop the unwanted e-mails because I assumed that any
26 attempt to contact a spammer would just result in more spam. Instead, I filed a

1 complaint with the Washington State Attorney General's office the first two times I
2 received e-mail messages from Avtech. Since then, I have received at least a dozen
3 more similar e-mail messages from Avtech and have deleted them.
4

5 **I hereby certify and declare under penalty of perjury under the laws of the United**
6 **States of America and the State of Washington that the foregoing is true and correct.**

7
8 DATED this 26th day of January, 2005.

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12 AARON CAPLAN

13 Seattle, WA
14 (Location of Signing)
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CEHeader: Microsoft Mail Internet Headers Version 2.0
Received: from mx2.speakeasy.net ([216.254.0.225]) by [REDACTED]
[REDACTED] with Microsoft SMTPSVC(6.0.3790.0);
Sun, 1 Aug 2004 17:47:36 -0700
Received: (qmail 23360 invoked from network); 2 Aug 2004 00:41:57 -0000
Received: from user-0cdf51f.cable.mindspring.com ([24.215.148.47])
(envelope-sender <Administration@computeradmin.org>)
by mx2.speakeasy.net (qmail-ldap-1.03) with SMTP
for <[REDACTED]>; 2 Aug 2004 00:41:56 -0000
Received: from w5.jn30.net (HELO xru) [251.193.80.47] by user-
0cdf51f.cable.mindspring.com with SMTP; Mon, 02 Aug 2004 03:39:08 +0200
Message-ID: <72bj8158--t6@7prfs.ho8gfu>
From: "Admin" <Administration@computeradmin.org>
To: [REDACTED]
Subject: Staff Bulletin
Date: Mon, 02 Aug 04 03:39:08 GMT
X-Priority: 1
X-MSMail-Priority: High
X-Mailer: Internet Mail Service (5.5.2650.21)
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="7C4_.A.575BAB7_2BCF92E."
Return-Path: Administration@computeradmin.org
X-OriginalArrivalTime: 02 Aug 2004 00:47:36.0317 (UTC)
FILETIME=[4DD7E2D0:01C4782A]

--7C4_.A.575BAB7_2BCF92E.
Content-Type: text/plain
Content-Transfer-Encoding: quoted-printable

--7C4_.A.575BAB7_2BCF92E.--

ESIsNotfy: NO

CESbj: Staff Bulletin

CEBody: Attention All Staff Members:

You Must Respond By 5 P.M. Tuesday, August 3, 2004.

Through a special arrangement, Avtech Direct is offering a limited allotment of BRAND NEW, top of-the-line, name-brand desktop computers at more than 50% off MSRP to all Staff Members who respond to this message before 5 P.M., Tuesday, August 3, 2004.

All desktop are brand-new, packed in their original boxes, and come with a full manufacturer's warranty plus a 100% satisfaction guarantee.

These professional grade Desktops are fully equipped with 2004 next generation technology, making these the best performing computers money can buy.

Avtech Direct is offering these feature rich, top performing Desktop Computers with the latest Intel technology at an amazing price to all who call:

1-800-884-9510 by 5 P.M. Tuesday, August 3, 2004

The fast and powerful AT-2400 series Desktop features:

- * Intel 2.0Ghz Processor for amazing speed and performance
- * 128MB DDR RAM, --- Upgradeable to 1024
- * 20 GB UDMA Hard Drive, --- Upgradeable to 80 GB
- * 52X CD-Rom Drive, --- Upgradeable to DVD/CDRW
- * 1.44 Floppy disk drive
- * Next Generation Technology
- * ATI Premium video and sound
- * Full Connectivity with Fax modem/Lan/IEE 1394/USB 2.0
- * Soft Touch Keyboard and scroll mouse
- * Internet Ready
- * Network Ready
- * 1 Year parts and labor warranty
- * Priority customer service and tech support

MSRP \$699 Your Cost \$297

How to qualify:

1. You must be a Member, Staff or Associate of a Nonprofit:
2. All desktop computers will be available on a first come first serve basis.
3. You must call 1-800-884-9510 by 5 P.M. Tuesday, August 3, 2004 and we will hold the desktops you request on will call.
4. You are not obligated in any way.
5. 100% Satisfaction Guaranteed.

Call Avtech Direct

1-800-884-9510 before 5 P.M. Tuesday, August 3, 2004

Visit our website at <http://www.avtechdirect-nonprofits.com>

If you wish to unsubscribe from this list, please go to:
<http://www.computeradvice.org/unsubscribe.asp>

Avtech Direct
22647 Ventura Blvd., Suite 374
Woodland Hills, CA 91364

CEHeader: Microsoft Mail Internet Headers Version 2.0
Received: from mx2.speakeasy.net ([216.254.0.225]) by [REDACTED]
[REDACTED] with Microsoft SMTPSVC(6.0.3790.0);
Mon, 9 Aug 2004 04:07:07 -0700
Received: (qmail 13070 invoked from network); 9 Aug 2004 11:06:57 -0000
Received: from unknown (HELO 216.254.0.225) ([211.49.146.143])
(envelope-sender <admin@computeradmin.org>)
by mx2.speakeasy.net (qmail-ldap-1.03) with SMTP
for <[REDACTED]>; 9 Aug 2004 11:06:53 -0000
Received: from ([87.50.236.118])
by 216.254.0.225 SMTP id 4HGIt98MI9i6a
for <caplan@aclu-wa.org>; Mon, 09 Aug 2004 09:08:16 -0300
Message-ID: <8x-uwh96t\$b4-130@3eqml.qoj>
From: "Administrator" <admin@computeradmin.org>
To: [REDACTED]
Subject: Staff Bulletin
Date: Mon, 09 Aug 04 09:08:16 GMT
X-Priority: 1
X-MSMail-Priority: High
X-Mailer: eGroups Message Poster
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="0B8._6BA280._71__1A.61"
Return-Path: admin@computeradmin.org
X-OriginalArrivalTime: 09 Aug 2004 11:07:07.0614 (UTC)
FILETIME=[028DEFE0:01C47E01]

--0B8._6BA280._71__1A.61
Content-Type: text/plain
Content-Transfer-Encoding: quoted-printable

--0B8._6BA280._71__1A.61--

ESIsfpNotfy: NO

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- * Network Ready
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Visit our website at <http://www.avtechdirectcomputers.com>

If you wish to unsubscribe from this list, please go to:
<http://www.computeradvice.org/unsubscribe.asp>

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