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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 ASIS INTERNET SERVICES, a California
14 corporation,

15 Plaintiff,

16 vs.

17 OPTIN GLOBAL, INC., a Delaware Corporation,
18 also dba Vision Media Limited Corp., USA
19 Lenders Network, USA Lenders, and USA Debt
20 Consolidation Service;

21 VISION MEDIA LIMITED CORP., a
22 Commonwealth of Dominica Corporation, also
23 dba Optin Global, Inc., USA Lenders Network,
24 USA Lenders, and USA Debt Consolidation
25 Service;

26 RICK YANG, also known as Qing Kuang Yang,
27 aka Calvin Ho, individually, and as principal
28 and owner of Vision Media Limited Corp. and
Optin Global, Inc.;

PEONIE PUI TING CHEN, individually, and as
president of Optin Global, Inc.;

JOHN TERRENCE DORLAND, aka Terry; CHRIS
VALLEY; BRUCE LERNER; MICHAEL GARCIA;
and FRANCIS PRASAD all as individuals;

MICHAEL CUERVO, dba NORTHSTAR
FINANCIAL, an unknown entity;

Case No. C-05-5124 CW

SECOND AMENDED
COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF
VIOLATION OF CAN-SPAM ACT OF
2003 [15 U.S.C. § 7701, et seq.] AND
CALIFORNIA BUSINESS AND
PROFESSIONS CODE § 17529.5

DEMAND FOR JURY TRIAL

1 **NATIONAL FIDELITY FUNDING, an Indiana**)
corporation;)
2 **STATESIDE MORTGAGE, INC., a California**)
corporation;)
3 **AMERICAN HOME EQUITY CORPORATION, a**)
Delaware corporation;)
4 **QUICKEN LOANS INC., a Michigan corporation;**)
5 **AEGIS LENDING CORPORATION, a Delaware**)
corporation;)
6 **EMERALD HOME LOAN, INC., a California**)
corporation;)
7 **LEADS LIMITED, INC., a Florida corporation;**)
8 **AZOOGL.COM, INC., a Delaware Corporation;**)
9 **and DOES THREE through FIFTY, inclusive,**)
10 **Defendants.**)
11)
12)
13)
14)
15)

16 **Plaintiff, ASIS INTERNET SERVICES, a California corporation, an Internet Access**
17 **Provider, complains of Defendants OPTIN GLOBAL, INC., a Delaware Corporation, also**
18 **dba Vision Media Limited Corp., USA Lenders Network, USA Lenders, and USA Debt**
19 **Consolidation Service; VISION MEDIA LIMITED CORP., a Commonwealth of Dominica**
20 **Corporation, also dba Optin Global, Inc., USA Lenders Network, USA Lenders, and USA**
21 **Debt Consolidation Service; RICK YANG, also known as Qing Kuang Yang, aka Calvin**
22 **Ho, individually, and as principal and owner of Vision Media Limited Corp. and Optin**
23 **Global, Inc.; PEONIE PUI TING CHEN, individually, and as president of Optin Global,**
24 **Inc.; JOHN TERRENCE DORLAND, aka Terry; CHRIS VALLEY; BRUCE LERNER;**
25 **MICHAEL GARCIA; and FRANCIS PRASAD all as individuals; MICHAEL CUERVO, dba**
26 **NORTHSTAR FINANCIAL, an unknown entity; NATIONAL FIDELITY FUNDING, an**
27 **Indiana corporation; STATESIDE MORTGAGE, INC., a California corporation;**
28 **AMERICAN HOME EQUITY CORPORATION, a Delaware corporation; QUICKEN LOANS**

1 **INC., a Michigan corporation; AEGIS LENDING CORPORATION, a Delaware corporation;**
2 **EMERALD HOME LOAN, INC., a California corporation; LEADS LIMITED, INC., a Florida**
3 **corporation; AZOOGLE.COM, INC., a Delaware corporation, and DOES THREE through**
4 **FIFTY, inclusive, and alleges violations of *CAN-SPAM Act, 15 U.S.C. §7704(a) and (b)* and**
5 ***California Business and Professions Code §17529.5(a)* and requests injunctive relief,**
6 **liquidated damages, statutory damages, aggravated damages, and attorney fees authorized as**
7 **remedies under *15 U.S.C. §7706(g)* and *California Business and Professions Code***
8 ***§17529.5 (b)(1)(B)*.**

9 **JURISDICTION AND VENUE**

10 1. This Court has original jurisdiction of this action pursuant to ***28 U.S.C. § 1331*** for
11 violations of the ***CAN-SPAM Act of 2003 (15 U.S.C. §§ 7701 et seq.)***. This Court also has
12 original jurisdiction under ***15 U.S.C. § 7706(g)(1)*** for cases involving a civil action by an
13 **internet access provider** adversely affected by a violation of section ***15 U.S.C. § 7704(a)(1),***
14 ***15 U.S.C. § 7704(b), or 15 U.S.C. § 7704(d),*** or a pattern or practice that violates paragraph
15 ***(2), (3), (4), or (5) of section 15 U.S.C. § 7704(a)***. Pursuant to pendent jurisdiction, attendant
16 and related causes of action, arising from the same facts, are also brought under California
17 law, including, but not limited to, violations of ***California Business & Professions Code §***
18 ***17529.5***.

19 2. Venue is proper in this Court pursuant to ***28 U.S.C. § 1391(b)*** and is founded on
20 the fact that a substantial part of the unlawful actions of the defendants occurred in this judicial
21 district.

22 **FACTUAL ALLEGATIONS**

23 3. Plaintiff is informed and believes and therefore alleges that Defendant **Optin**
24 **Global, Inc.**, also doing business as Vision Media Limited Corp., USA Lenders Network, USA
25 Lenders, and USA Debt Consolidation Service ("**OPTIN GLOBAL**"), is a Delaware Corporation
26 registered as a foreign corporation in California with its principal place of business located at
27 6466 Livia Avenue, Temple City, California, 91780. Plaintiff is informed and believes and
28 therefore alleges that **OPTIN GLOBAL** has formulated, directed, controlled, or participated in

1 the acts or practices set forth in this complaint.

2 4. Plaintiff is informed and believes and therefore alleges that Defendant **Vision**
3 **Media Limited Corp.**, also doing business as Optin Global, USA Lenders Network, USA
4 Lenders, and USA Debt Consolidation Service ("**VISION MEDIA**"), is a Commonwealth of
5 Dominica corporation with its mailing address of 8 Copthall, P.O. Box 2331, Roseau, St.
6 George, 00152, Commonwealth of Dominica. Plaintiff is informed and believes and therefore
7 alleges that **VISION MEDIA** has formulated, directed, controlled, or participated in the acts or
8 practices set forth in this complaint. **VISION MEDIA** transacts or has transacted business in
9 the Northern District of California and elsewhere.

10 5. Plaintiff is informed and believes and therefore alleges that Defendant **Rick**
11 **Yang**, also known as Calvin Ho, also known as Qing Kuang Yang, ("**YANG**"), is a principal and
12 owner of **OPTIN GLOBAL** and **VISION MEDIA**. Plaintiff is informed and believes and
13 therefore alleges that **Rick Yang** has formulated, directed, controlled, or participated in the
14 acts or practices set forth in this complaint. In connection with matters alleged herein, **YANG**
15 has transacted business in Northern District of California.

16 6. Plaintiff is informed and believes and therefore alleges that Defendant **Peonie**
17 **Pui Ting Chen** ("**CHEN**") is the president of **OPTIN GLOBAL**. Plaintiff is informed and
18 believes and therefore alleges that **Peonie Pui Ting Chen** has formulated, directed,
19 controlled, or participated in the acts or practices set forth in this complaint. In connection with
20 matters alleged herein, **CHEN** has transacted business in the Northern District of California.

21 7. Plaintiff is informed and believes and therefore alleges that Defendants **OPTIN**
22 **GLOBAL**, **VISION MEDIA**, **YANG**, and **CHEN** have operated as a common business
23 enterprise in commission of the violations of the **CAN-SPAM Act**, and §17529.5 of the
24 **California Business and Professions Code**.

25 8. **OPTIN GLOBAL**, **VISION MEDIA**, **YANG**, and **CHEN** are hereinafter referred to
26 jointly in this complaint as the "**SPAMMERS**."

27 9. Plaintiff is informed and believes and therefore alleges that Defendants **LEADS**
28 **LIMITED, INC.**, and **AZOGLE.COM, INC.**, are Internet marketing companies in the business

1 of generating sales leads by hiring and managing individuals and groups to send emails to
2 perspective purchasers doing business in the United States and are hereinafter jointly referred
3 to in this complaint as the “**LEAD GENERATORS.**”

4 10. Plaintiff is informed and believes and therefore alleges that **LEAD**
5 **GENERATORS** conspired with and at all times supported the **SPAMMERS** in execution of the
6 allegations set forth in this complaint.

7 11. Plaintiff alleges that **LEAD GENERATORS** hired and managed the activities of
8 **SPAMMERS** and that **SPAMMERS** were at all times acting as **LEAD GENERATORS’**
9 employees or agents through **LEAD GENERATORS’** affiliate programs.

10 12. Plaintiff is informed and believes and therefore alleges that Defendants **JOHN**
11 **TERRENCE DORLAND**, also known as Terry; **MICHAEL CUERVO dba NORTHSTAR**
12 **FINANCIAL; CHRIS VALLEY; NATIONAL FIDELITY FUNDING; BRUCE LERNER;**
13 **STATESIDE MORTGAGE, INC.; MICHAEL GARCIA; AMERICAN HOME EQUITY**
14 **CORPORATION; QUICKEN LOANS INC.; EMERALD HOME LOAN, INC.; FRANCIS**
15 **PRASAD; and AEGIS LENDING CORPORATION; are mortgage brokers, loan officers**
16 **and/or companies** acting as mortgage brokers doing business in the United States and are
17 hereinafter jointly referred to in this complaint as the “**MORTGAGE BROKERS**”.

18 13. Plaintiff is informed and believes and therefore alleges that **MORTGAGE**
19 **BROKERS** conspired with and at all times supported the **LEAD GENERATORS** and
20 **SPAMMERS** in execution of the allegations set forth in this complaint.

21 14. Plaintiff alleges that **LEAD GENERATORS**, using their employee/agent
22 **SPAMMERS**, worked under pre-existing contracts to advertise **MORTGAGE BROKERS**
23 financial services and deliver sales leads. (Exhibits A, B and C to Declaration of Richard
24 Grabowski attached hereto as Exhibit “1”)

25 15. Plaintiff is informed and believes and therefore alleges that **MORTGAGE**
26 **BROKERS** knew, or consciously avoided knowing, at all times that **LEAD GENERATORS** and
27 **SPAMMERS** were violating the **CAN-SPAM Act**, and **California Business and Professions**
28 **Code § 17529.5** resulting in injury to Plaintiff by their illegal email attacks.

1 16. Plaintiff is informed and believes and therefore alleges that **MORTGAGE**
2 **BROKERS** have benefited financially and will continue to benefit from their conspiratorial
3 relationship with **LEAD GENERATORS** and **SPAMMERS** and as a result will continue to
4 support the illegal and tortuous actions of **LEAD GENERATORS** and **SPAMMERS** resulting in
5 injury to Plaintiff.

6 17. **OPTIN GLOBAL; VISION MEDIA; YANG, CHEN; JOHN TERRENCE**
7 **DORLAND**, also known as Terry; **MICHAEL CUERVO dba NORTHSTAR FINANCIAL;**
8 **CHRIS VALLEY; NATIONAL FIDELITY FUNDING; BRUCE LERNER; STATESIDE**
9 **MORTGAGE, INC.; MICHAEL GARCIA; AMERICAN HOME EQUITY CORPORATION;**
10 **QUICKEN LOANS INC.; FRANCIS PRASAD; AEGIS LENDING CORPORATION;**
11 **EMERALD HOME LOAN, INC.; LEADS LIMITED, INC.; AZOOGLE.COM, INC.; and DOES**
12 **THREE through FIFTY, inclusive,** are referred to jointly in this complaint as the
13 **“Defendants.”**

14 18. Plaintiff **ASIS INTERNET SERVICES (hereinafter “ASIS”)** does not know the
15 true names and capacities of Defendants **OPTIN GLOBAL; VISION MEDIA; YANG, CHEN;**
16 **JOHN TERRENCE DORLAND; MICHAEL CUERVO dba NORTHSTAR FINANCIAL; CHRIS**
17 **VALLEY; NATIONAL FIDELITY FUNDING; BRUCE LERNER; STATESIDE MORTGAGE,**
18 **INC.; MICHAEL GARCIA; AMERICAN HOME EQUITY CORPORATION; QUICKEN LOANS**
19 **INC.; FRANCIS PRASAD; AEGIS LENDING CORPORATION; EMERALD HOME LOAN,**
20 **INC.; LEADS LIMITED, INC.; AZOOGLE.COM, INC.; and DOES THREE through FIFTY,**
21 **inclusive,** their business capacities, their ownership connection to the business(s), nor their
22 relative responsibilities in causing the ***CAN-SPAM Act of 2003*** and other violations herein
23 complained of, and alleges a joint venture and common enterprise by all such defendants.
24 Plaintiff is informed and believes that each of the defendants herein, including **DOES THREE**
25 **to FIFTY, inclusive,** is the agent, ostensible agent, master, servant, employer, employee,
26 representative, franchiser, franchisee, joint venture, partner, and associate, or such similar
27 capacity, of each of the other defendants, and was at all times acting and performing, or failing
28 to act or perform, with the authorization, consent, permission or ratification of each of the other

1 defendants, and is responsible in some manner for the acts and omissions of the other
2 defendants in legally causing the violations and damages complained of herein, and have
3 approved or ratified each of the acts or omissions of each other defendant, as herein
4 described. Plaintiff will seek leave to amend this Complaint when the true names, capacities,
5 connections and responsibilities of defendants are ascertained.

6 19. Plaintiff is informed and believes that all named defendants, including **DOES**
7 **THREE to FIFTY, inclusive**, conspired to commit the acts described herein, or alternatively,
8 aided and abetted one another in the performance of the wrongful acts hereinafter alleged.

9 20. Plaintiff **ASIS** is a corporation doing business as **ASIS Internet Services**, is
10 located in Garberville, California, is an Internet access provider within the meaning of **15**
11 **U.S.C. § 7702(11)** and is an electronic mail service provider as defined in California **Business**
12 **and Professions Code §17529.1(h)**.

13 21. Plaintiff alleges that Defendants sent or caused to have sent **in excess of 10,000**
14 deceptive and unsolicited commercial electronic mail messages from **October 25, 2005**,
15 through **November 14, 2005**, to Plaintiff's server, a protected computer. Plaintiff alleges that
16 Defendants **SPAMMERS** transmitted, for and in the hire of Defendants **LEAD GENERATORS**
17 and **MORTGAGE BROKERS**, in excess of 10,000 deceptive and unsolicited commercial
18 electronic mail messages from October 25, 2005, through November 14, 2005, to Plaintiff's
19 server, a protected computer. The sending of these illegal electronic mail messages was
20 procured, from the **SPAMMERS**, working as employees or agents of **LEAD GENERATORS**,
21 under contract for delivery to the **MORTGAGE BROKERS**.

22 22. Plaintiff alleges that Defendants transmitted **in excess of 10,000** electronic mail
23 advertisements containing and accompanied by falsified, misrepresented, or forged header
24 information.

25 23. Plaintiff alleges that the email addresses, domain names, and Internet Protocol
26 addresses used to send the emails were obtained by false representations.

27 24. Plaintiff alleges that Defendants transmitted **in excess of 10,000** electronic mail
28 advertisements with a subject line that a person would know would be likely to mislead a

1 recipient, acting reasonably under the circumstances, about a material fact regarding the
2 contents and subject matter of the message.

3 25. Plaintiff alleges that Defendants transmitted, to a protected computer, **in excess**
4 **of 10,000** commercial electronic mail messages, a transactional and relationship message,
5 that contains, or was accompanied by, header information that is materially false or materially
6 misleading.

7 26. Plaintiff alleges that Defendants initiated the transmission of **in excess of 10,000**
8 commercial electronic mail message to a protected computer without a clear and conspicuous
9 identification that the message was an advertisement or solicitation.

10 27. Plaintiff alleges that Defendants used a harvest and directory attack or used an
11 automated creation of multiple email accounts to send **in excess of 10,000** commercial
12 electronic mail message to a protected computer.

13 **FIRST CAUSE OF ACTION**
14 **(Violation of CAN-SPAM Act of 2003 – 15 U.S.C. §7704(a)(1), (2),**
15 **(3), and (5) and 15 U.S.C. §7704(b)(1) and (2))**

16 28. Plaintiff refers to the allegations of the preceding paragraphs of this complaint,
17 and incorporates the same herein by this reference as though set forth in full.

18 29. On **October 25, 2005**, through **November 14, 2005**, Plaintiff received **in excess**
19 **of 10,000** commercial electronic mail messages from defendants to its mail server located in
20 California that violated the **CAN-SPAM Act of 2003**.

21 30. Plaintiff alleges that Defendants **SPAMMERS** transmitted, for and in the hire of
22 Defendants **LEAD GENERATORS** and **MORTGAGE BROKERS**, in excess of 10,000
23 deceptive and unsolicited commercial electronic mail messages from October 25, 2005,
24 through November 14, 2005, to Plaintiff's server, a protected computer. The sending of these
25 illegal electronic mail messages was procured, from the **SPAMMERS**, working as employees
26 or agents of **LEAD GENERATORS**, under contract for delivery to the **MORTGAGE**
27 **BROKERS**.

28 31. Plaintiff alleges that all of the relevant electronic mails sent by the Defendants on
October 25, 2005, through **November 14, 2005**, contained or were accompanied by header

1 information that was materially false or materially misleading. Each of these **in excess of**
2 **10,000** initial messages indicated that they were from individuals and various other unknown
3 identities. Plaintiff alleges that all of the relevant electronic mails were from defendants using
4 stolen or hijacked email identities. Therefore, the electronic mail violated **15 U.S.C.**
5 **§7704(a)(1)(A)**.

6 32. Plaintiff further alleges that the Defendants sent **in excess of 10,000** separate
7 items of electronic mail to plaintiff's computer that include various domain names, such as
8 **wwmort.com, b3mort.com, vcmort.com, great-3.com** and others, which were registered to
9 unknown and false entities. Said conduct was in violation of **15 U.S.C. §7704(a)(1)(A)**.

10 33. Plaintiff further alleges that it received hundreds of separate items of electronic
11 mail from Defendants to email addresses that had not existed for the prior year and had not
12 requested or agreed to accept any solicitations.

13 34. Plaintiff further alleges that the Defendants sent **in excess of 10,000** separate
14 items of electronic mail to plaintiff's computer that include advertisements with a subject line
15 that a person would know would be likely to mislead a recipient, acting reasonably under the
16 circumstances, about a material fact regarding the contents and subject matter of the
17 message. **15 U.S.C. § 7704(a)(2) (1)** defines two methods for determining if a subject line is
18 misleading: "1) if such person has actual knowledge"; or 2) "knowledge fairly implied on the
19 basis of objective circumstances." Plaintiff alleges that the "circumstances" required are plainly
20 visible in the actual subject lines of the emails. The email subject lines received by Plaintiff
21 were clearly intended to get someone to open the email by telling them that their loan was pre-
22 approved ("Pre-approvedd rate #uzthxvml") or that a loan was approved ("Notice: Loww
23 Mortgage Ratee Approved"). Note that the misspellings in the subject lines are part of the
24 misleading nature of the subject lines and intended to deceive Plaintiff's SPAM blocking
25 software. These two subject lines are provided as examples, various other similar subject
26 lines were included in the emails. (Exhibit A to Declaration of Nella White [Exhibit 2 to First
27 Amended Complaint]).

28 35. Plaintiff further alleges that the Defendants sent **in excess of 10,000** separate

1 items of electronic mail to Plaintiff's computer that were acquired as the result of a directory
2 harvest. Said conduct was in violation of **15 U.S.C. §7704(b)(1)**.

3 36. Plaintiff further alleges that the defendants sent **in excess of 10,000** separate
4 items of electronic mail to the plaintiff from addresses acquired by the use of automated tools
5 or scripts. Said conduct was in violation of **15 U.S.C. §7704(b)(2)**.

6 37. As a proximate result of said unlawful conduct by said Defendants, plaintiff is
7 entitled to statutory damages in the amount of up to \$100.00 per email in the case of violation
8 of **15 U.S.C. §7704(a)(1)** and up to \$25.00 per email in the case of each violation of
9 subsections **15 U.S.C. §7704(a)(2), (3), and (5)** in the form of statutory damages as set forth in
10 **15 U.S.C. §7706(g)(1)(B)(ii) and (3)(A)(i) and (ii)**.

11 38. As a proximate result of said unlawful conduct by said Defendants, plaintiff is
12 entitled to treble statutory damages as a result of violation of any section of **15 U.S.C.**
13 **§7704(b)** as set forth in **15 U.S.C. §7706(g)(1)(C)**.

14 39. Plaintiff furthermore seeks a preliminary and permanent injunction against the
15 defendants for their current and future violations of the **CAN-SPAM Act of 2003** as it and
16 members of the general public will continue to incur damages as a result of the unlawful
17 conduct of said Defendants. The seeking of injunctive relief by the plaintiff is specifically
18 authorized by **15 U.S.C. §7706(g)(1)(A)**.

19 40. Plaintiff furthermore seeks its attorney fees and costs against the Defendants
20 pursuant to **15 U.S.C. §7706(g)(4)**.

21 **SECOND CAUSE OF ACTION**

22 **(Violation of California Business and Professions Code §17529.5**
23 **Unlawful activities relating to commercial email advertisements.)**

24 41. Plaintiff hereby incorporates by reference paragraphs 1 through 39, inclusive, as
if the same were fully set forth herein.

25 42. **California Business and Professions Code §17529.5** states:

26 (a) It is unlawful for any person or entity to advertise in a commercial e-mail
27 advertisement either sent from California or sent to a California electronic mail
28 address under any of the following circumstances:

1 (1) The e-mail advertisement contains or is accompanied by a
2 third-party's domain name without the permission of the third
3 party.

4 (2) The e-mail advertisement contains or is accompanied by
5 falsified, misrepresented, or forged header information. This
6 paragraph does not apply to truthful information used by a
7 third party who has been lawfully authorized by the
8 advertiser to use that information.

9 (3) The e-mail advertisement has a subject line that a person
10 knows would be likely to mislead a recipient, acting
11 reasonably under the circumstances, about a material fact
12 regarding the contents or subject matter of the message.

13 43. California has adopted a broad definition of the term advertise: "any means of
14 exploitation through the conveyance of information is advertising." *People v. McKean*, (1925)
15 76 Cal.App. 114 at 131 [243 P. 898].

16 44. "Advertiser" means a person or entity that advertises through the use of
17 commercial e-mail advertisements." *California Business & Professions Code* §17529.1 (a).

18 45. The California Legislator decided:

19 "There is a need to regulate the advertisers who use spam, as well
20 as the actual spammers, because the actual spammers can be
21 difficult to track down due to some return addresses that show up
22 on the display as "unknown" and many others being obvious fakes
and they are often located offshore." *California Business & Professions Code* §17529 (j)

23 46. The California Legislator also found that: "The true beneficiaries of spam are the
24 advertisers who benefit from the marketing derived from the advertisements." *California*
25 *Business & Professions Code* §17529(k)

26 47. *California Business & Professions Code* §17529.1(c) makes the following
27 definition:

28 "Commercial e-mail advertisement" means any electronic mail
message initiated for the purpose of advertising or promoting the

1 lease, sale, rental, gift offer, or other disposition of any property,
2 goods, services, or extension of credit. (**Underline added for
emphasis.**)

3 48. **California Business & Professions Code** §17529.1(i) makes the following
4 definition:

5 “Initiate’ **means to transmit or cause to be transmitted** a
6 commercial e-mail advertisement or assist in the transmission of a
7 commercial e-mail advertisement by providing electronic mail
8 addresses where the advertisement may be sent, but does not
include the routine transmission of the advertisement through the
network or system of a telecommunications utility or an electronic
mail service provider through its network or system.”
(**Underline/Bold added for emphasis.**)

9 49. Plaintiff alleges that Defendants **SPAMMERS** transmitted, for and in the hire of
10 Defendants **LEAD GENERATORS** and **MORTGAGE BROKERS, in excess of 10,000**
11 deceptive and unsolicited commercial electronic mail advertisements from **October 25, 2005,**
12 through **November 14, 2005,** to Plaintiff’s server, a protected computer. The sending of these
13 illegal advertisements was procured, from the **SPAMMERS,** working as employees or agents
14 of **LEAD GENERATORS,** under contract for delivery to the **MORTGAGE BROKERS.**

15 50. Plaintiff alleges that these illegal advertisements were intended to exploit the
16 recipient through the information contained in the emails by causing them to provide personal
17 information including financial information. The text makes statements such as “We tried to
18 contact you awhile ago about your low interest morta(ge rate. You have been selected for our
19 lowest rate in years...” Implying that the email was from a mortgage lender. Other emails
20 contained the following language:

21 “The truth is you can get a second mortgage at rates never before
22 offered in the past.
23 We offer a variety of solutions for refinancing your mortgage
regardless of your credit or needs.
24 It’s simple, just visit our secure site here:
<http://www.kgmort.com>
25 Fill out the Instant Quote Form for up to 5 quotes from interested
lenders.”

26 implying that the sender of the email advertisement was advertising for the lenders. The Web
27 form stated that the recipient was authorizing “USA Lenders Network to send your loan request
28 to multiple qualified brokers”, implying a pre-existing relationship that prompted the email

1 advertisement. Plaintiff submitted information requested by one of these email advertisements
2 and within 24 hours or less received a response from each and every Defendant **MORTGAGE**
3 **BROKERS** representing that they were in receipt of Plaintiff's loan application. (See Para. 3
4 through 9 and Exhibits A, B and C to Declaration of Nella White attached as Exhibit "2" and
5 Exhibit A to Declaration of Teresa Singleton attached as Exhibit "3" to the First Amended
6 Complaint). These documents, statements and actions taken together form a basis for
7 alleging that the illegal email advertisements were sent by **SPAMMERS** and **LEAD**
8 **GENERATORS** on behalf of **MORTGAGE BROKERS** to advertise **MORTGAGE BROKERS**
9 services.

10 51. Plaintiff further alleges that the Defendants transmitted or caused to have
11 transmitted **in excess of 10,000** separate items of electronic mail to plaintiff's computer that
12 contained or were accompanied by header information that was materially false or materially
13 misleading. Each of these **in excess of 10,000** initial messages indicated that they were from
14 individuals and various other unknown identities. Plaintiff alleges that all of the relevant
15 electronic mails were from defendants using stolen, or hijacked email identities, or email
16 accounts, domain names or Internet Protocol addresses that were obtained through false
17 representations. Therefore, the electronic mail violated **California Business and**
18 **Professions Code** § 17529.5(a)(2).

19 52. Plaintiff further alleges that the Defendants transmitted or caused to have
20 transmitted **in excess of 10,000** separate items of electronic mail to plaintiff's computer that
21 include various subject lines that were false and misleading and would be likely to mislead a
22 recipient, acting reasonably under the circumstances, about a material fact regarding the
23 contents or subject matter of the message in violation of **California Business and**
24 **Professions Code** § 17529.5(a)(3). The email subject lines received by Plaintiff were clearly
25 intended to get someone to open the email by telling them that their loan was pre-approved
26 ("Pre-approved rate #uzthxvml") or that a loan was approved ("Notice: Loww Mortgage Ratee
27 Approved"), these subject lines are provided as examples other deceptive subject lines were
28 also included.

1 53. As a proximate result of said unlawful conduct by said Defendants, Plaintiff is
2 entitled to liquidated damages in the amount of \$1,000.00 for each unsolicited commercial
3 email advertisement transmitted in violation of **California Business and Professions Code §**
4 **17529.5(a)** as set forth in **California Business and Professions Code § 17529.5(b)(1)(B)(ii)**.

5 54. Plaintiff furthermore seeks its attorney fees and costs against the defendants
6 pursuant to **California Business and Professions Code §17529.5(b)(1)(C)**.

7 55. Plaintiff seeks further relief as this Courts deems just and proper.

8 **WHEREFORE**, plaintiff prays judgment against the Defendants and each of them as
9 follows:

10 1. For statutory damages of up to \$100.00 for each violation of **15 U.S.C.**
11 **§7704(a)(1)** and up to \$25.00 in the case of violations of **§ 7704(a)(2), (3) and (5)** up to the
12 sum of \$1,000,000;

13 2. For aggravated damages under **15 U.S.C. §7706(g)(1)(C)** of up to three times
14 the amount above for these violations committed by the defendants' violations of **15 U.S.C.**
15 **§7704(b)**;

16 3. For a preliminary and permanent injunction preventing the defendants and all
17 persons acting in concert with them from the violation of the **Can-Spam Act of 2003**;

18 4. For liquidated damages of \$1,000.00 for each violation of **California Business**
19 **and Professions Code § 17529.5(a)** up to the sum of \$1,000,000;

20 4. For an award of reasonable attorneys' fees and costs according to proof;

21 5. For costs of suit; and

22 6. For such other and further relief as this Court deems just and proper.

23 **SINGLETON LAW GROUP**

24 Dated: October 3, 2006

25 /s/ Richard E. Grabowski
26 Jason K. Singleton
27 Richard E. Grabowski, Attorneys for Plaintiff,
28 **ASIS INTERNET SERVICES**

REQUEST FOR JURY TRIAL

Plaintiff hereby requests a jury for all claims for which a jury is permitted.

SINGLETON LAW GROUP

Dated: October 3, 2006

/s/ Richard E. Grabowski
Jason K. Singleton
Richard E. Grabowski, Attorneys for Plaintiff,
ASIS INTERNET SERVICES

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1 **Jason K. Singleton State Bar #166170**
2 **Richard E. Grabowski State Bar # 236207**
3 **SINGLETON LAW GROUP**
4 **611 "L" Street, Suite A**
5 **Eureka, CA 95501**
6 **(707) 441-1177**
7 **FAX 441-1533**
8 **lawgroup@sbcglobal.net**

9 **Attorney for Plaintiff, ASIS INTERNET SERVICES**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **ASIS INTERNET SERVICES,**

13 **Plaintiff,**

14 **vs.**

15 **OPTIN GLOBAL, INC., a Delaware**
16 **Corporation, also dba Vision Media Limited**
17 **Corp., USA Lenders Network, USA Lenders,**
18 **and USA Debt Consolidation Service; et al.,**

19 **Defendants.**

Case No. C-05-5124 CW

DECLARATION OF RICHARD E.
GRABOWSKI RE EXHIBITS TO SECOND
AMENDED COMPLAINT

20 I, RICHARD E. GRABOWSKI , declare as follows:

21 1. I am an attorney duly licensed to practice in the United States District Court,
22 Northern District of California, and I am one of the attorneys of record for Plaintiff. I have
23 personal and firsthand knowledge of each fact hereinafter set forth and if called to testify could
24 and would competently testify to the matters set forth herein.

25 2. Plaintiff received copies of the sales leads, including the lead for the fictitious
26 character Bruce Wolf, provided by the LEAD GENERATORS to MORTGAGE BROKERS.

27 3. Attached hereto as Exhibit "A" are true and correct copies of 18 leads provided to
28 Stela Ritchie of North Country Loans on October 28, 2005, from LEADS LIMITED, INC., and

1 given to Plaintiff as part of the negotiated dismissal from the within action.

2 4. Attached hereto as Exhibit "B" are true and correct copies of mortgage leads and
3 documentation provided to Plaintiff from Michael Thorpe and EFG First, Inc., consisting of the
4 following: (B1) Written Agreement between LEADS.COM and EQUITY FINANCIAL
5 GROUP/Mike Thorpe for leads; (B2) Mortgage Lead from Bruce Wolf (Plaintiff's online
6 submission); (B3) 15 Mortgage Leads dated 2/10/06; (B4) 20 Mortgage Leads date 8/17/05;
7 and (B5) 24 Mortgage Leads in a spreadsheet form dated 10/28/05.

8 5. Attached hereto as Exhibit "C" is a true and correct copy of the Declaration of
9 Amy Bishop filed as Document 56 in the within matter wherein Ms. Bishop states under penalty
10 of perjury (page 2, line 6) "The source of the Bruce Wolf lead came from a company that
11 Quicken Loans contracts with called Azoogole.com..."

12 I declare under penalty of perjury under the laws of the United States that the foregoing
13 is true and correct.

14 **SINGLETON LAW GROUP**

15 Date: October 3, 2006

16 /s/ Richard E. Grabowski
17 Richard E. Grabowski, Attorney for
18 Plaintiff, **ASIS INTERNET SERVICES**

Stela Ritchie

From: FwHite4Life32@aol.com
Sent: Friday, October 28, 2005 9:27 AM
To: Stela Ritchie
Subject: Leads Limited 18 leads
Attachments: 18 CA.doc

im having problems with my outlook.

gabe

LEADS LIMITED INC

www.leadslimited.com

“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: Rosemead
Street Address: [REDACTED]
State: CA
Zip Code: 91770
Credit Rating: Excellent
Property Value: 700000
Property Type: Single Family Residence
Loan Amount: 145000
Reason For Borrowing: Home equity line of credit
1st Mortgage Balance: 0
1st Mortgage Rate: 3
L.T.V : 0.20714285714285716
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

www.leadslimited.com

“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: Hayward
Street Address: [REDACTED]
State: CA
Zip Code: 94545
Credit Rating: Poor
Property Value: 70000
Property Type: Single Family Residence
Loan Amount: 400000
Reason For Borrowing: Home equity line of credit
1st Mortgage Balance: 0
1st Mortgage Rate: 3
L.T.V : 5.7142857142857144
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: Inglewood
Street Address: [REDACTED]
State: CA
Zip Code: 90302
Credit Rating: Good
Property Value: 400000
Property Type: Single Family Residence
Loan Amount: 300000
Reason For Borrowing: Refinance 1st Mortgage
1st Mortgage Balance: 275000
1st Mortgage Rate: 9.375
L.T.V : 0.75
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: SAN MARCOS
Street Address: [REDACTED]
State: CA
Zip Code: 92069
Credit Rating: Good
Property Value: 450000
Property Type: Single Family Residence
Loan Amount: 95000
Reason For Borrowing: Debt Consolidation
1st Mortgage Balance: 215000
1st Mortgage Rate: 6.125
L.T.V : 0.211111111111111111
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: Clovis
Street Address: [REDACTED]
State: CA
Zip Code: 93611
Credit Rating: Excellent
Property Value: 400000
Property Type: Single Family Residence
Loan Amount: 155000
Reason For Borrowing: Refinance 1st Mortgage
1st Mortgage Balance: 85000
1st Mortgage Rate: 3
L.T.V : 0.38750000000000001
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Evening at Home
City: Los Angeles
Street Address: [REDACTED]
State: CA
Zip Code: 90046
Credit Rating: Fair
Property Value: 215000
Property Type: Single Family Residence
Loan Amount: 195000
Reason For Borrowing: Home equity line of credit
1st Mortgage Balance: 80000
1st Mortgage Rate: 4
L.T.V : 0.90697674418604646
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Morning at Work
City: Ontario
Street Address: [REDACTED]
State: CA
Zip Code: 91764
Credit Rating: Fair
Property Value: 400000
Property Type: Single Family Residence
Loan Amount: 325000
Reason For Borrowing: Purchase 1st home
1st Mortgage Balance: 275000
1st Mortgage Rate: 5.5
L.T.V : 0.8125
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

LEADS LIMITED INC

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“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: before noon
City: douglas
Street Address: [REDACTED]
State: CA
Zip Code: 90210
Credit Rating: fair
Property Value: 127500
Property Type: Single Family Residence
Loan Amount: 500000
Reason For Borrowing: refinance
1st Mortgage Balance: 33500
1st Mortgage Rate: 5.799999999999998
L.T.V : 3.9215686274509802
Date/Time: 10/28/2005
Lead ID TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: Red Bluff
Street Address: [REDACTED]
State: CA
Zip Code: 96080
Credit Rating: poor
Property Value: 650000
Property Type: Single Family Residence
Loan Amount: 500000
Reason For Borrowing: refinance
1st Mortgage Balance: 345000
1st Mortgage Rate: 9.6500000000000004
L.T.V : 0.76923076923076927
Date/Time: 10/28/2005
Lead ID: TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: afternoon
City: corona
Street Address: [REDACTED]
State: CA
Zip Code: 92881
Credit Rating: excellent
Property Value: 590000
Property Type: Single Family Residence
Loan Amount: 300000
Reason For Borrowing: refinance
1st Mortgage Balance: 325000
1st Mortgage Rate: 9.8000000000000007
L.T.V : 0.50847457627118642
Date/Time: 10/28/2005
Lead ID TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: BAKERSFIELD
Street Address: [REDACTED]
State: CA
Zip Code: 93313
Credit Rating: fair
Property Value: 325000
Property Type: Single Family Residence
Loan Amount: 300000
Reason For Borrowing: New Purchase
1st Mortgage Balance: 24000
1st Mortgage Rate: 7
L.T.V : 0.92307692307692313
Date/Time: 10/28/2005
Lead ID: TEK

Loan Officer Notes:

LEADS LIMITED INC

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: Salisbury Heights, S Australia
Street Address: [REDACTED]
State: CA
Zip Code: 5109
Credit Rating: good
Property Value: 450000
Property Type: Single Family Residence
Loan Amount: 400000
Reason For Borrowing: refinance
1st Mortgage Balance: 430000
1st Mortgage Rate: 7.9000000000000004
L.T.V : 0.88888888888888884
Date/Time: 10/28/2005
Lead ID: TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: before noon
City: ca
Street Address: [REDACTED]
State: CA
Zip Code: 11827
Credit Rating: poor
Property Value: 72500
Property Type: Single Family Residence
Loan Amount: 70000
Reason For Borrowing: refinance
1st Mortgage Balance: 24000
1st Mortgage Rate: 2
L.T.V : 0.96551724137931039
Date/Time: 10/28/2005
Lead ID TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: victorville
Street Address: [REDACTED]
State: CA
Zip Code: 92392
Credit Rating: good
Property Value: 225000
Property Type: Single Family Residence
Loan Amount: 200000
Reason For Borrowing: refinance
1st Mortgage Balance: 192500
1st Mortgage Rate: 7.5
L.T.V : 0.88888888888888884
Date/Time: 10/28/2005
Lead ID: TEK

Loan Officer Notes:

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: Afternoon at Work
City: Fort collins
Street Address: [REDACTED]
State: CO
Zip Code: 80528
Credit Rating: Good
Property Value: 2000000
Property Type: Single Family Residence
Loan Amount: 1100000
Reason For Borrowing: Home equity line of credit
1st Mortgage Balance: 0
1st Mortgage Rate: 3
L.T.V : 0.550000000000000004
Date/Time: 10/28/2005
Lead ID DT

Loan Officer Notes:

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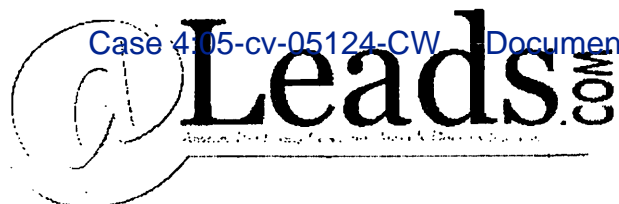
“Every lead even closer than at your fingertips. That is service. That is Leads Limited”

Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: longmont
Street Address: [REDACTED]
State: CO
Zip Code: 80501
Credit Rating: poor
Property Value: 225000
Property Type: Single Family Residence
Loan Amount: 200000
Reason For Borrowing: refinance
1st Mortgage Balance: 215000
1st Mortgage Rate: 4.875
L.T.V : 0.8888888888888884
Date/Time: 10/28/2005
Lead ID TEK

Loan Officer Notes:



Atleads LLC
10801 Boca South
Suite 208
Boca Raton FL 33432
561-955-9573
www.atleads.com

Insertion Order # 59003

| Date | Lead Type | Payment Terms | Sales Representative |
|----------------------|----------------|----------------|----------------------|
| 2-1-06 | Mortgage Leads | Weekly Invoice | Anthony Ferlanti |
| File Delivery Format | Total Leads | Price Per Lead | Total Amount Due |
| Excel File | 125 | \$ 20 | \$2500 |

Client Information:

Customer: Equity Financial Group
Contact: Mike Thorpe
Contact Phone: 949-608-1908
Contact email: mthorpe@efgfirst.com

Lead Filters and Criteria:

States: AZ CA CO CT FL NV OR WA
 Credit: No Excellent
 Loan Type: Refinance, Cashout Refinance, Debt Consolidation
 Property Type: Single Family, Condo, Townhouse
 Loan Amount: 100k Min
 LTV: As per client
 Daily Cap: 15

Terms and Conditions

Any changes to this service agreement must be in writing with signatures of both parties. No verbal understandings have any part of this agreement. Atleads LLC generates its own leads and does not purchase leads from 3rd party sources. Leads are sold to a maximum of 3 mortgage lenders. Leads are always GUARANTEED.

| | |
|--|----------------------------|
| Name: <i>MICHAEL THORPE</i> | Title: <i>PRESIDENT</i> |
| Signature: <i>[Handwritten Signature]</i> | Date: <i>2/1/06</i> |

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Mortgage Lead

I.P Address:

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: evening
City: Fortuna
Street Address: [REDACTED]
State: CA
Zip Code: 95540
Credit Rating: good
Property Value: 275000
Property Type: Single Family Residence
Loan Amount: 100000
Reason For Borrowing: Consolidate bills
1st Mortgage Balance: 77500
1st Mortgage Rate: 7.5
L.T.V : 0.36363636363636365
Date/Time: 10/28/2005
Lead ID TEK

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 24.7.59.133

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Reno
Street Address: [REDACTED]
State: NV
Zip Code: 89557
Credit Rating: Good
Property Value: 285000
Property Type: Single Family
Loan Amount: 200000
Reason For Borrowing: Refi 1st W/Cash Out
1st Mortgage Balance: 70000
1st Mortgage Rate: 6.25
L.T.V : 0.26315789473684209
Date/Time: 2/10/2006

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 69.109.28.139

| | |
|---|---------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | evening |
| City: | fernley |
| Street Address: | [REDACTED] |
| State: | NV |
| Zip Code: | 89408 |
| Credit Rating: | Poor |
| Property Value: | 205000 |
| Property Type: | Single Family |
| Loan Amount: | 102500 |
| Reason For Borrowing: | Refi 1st W/Cash Out |
| 1st Mortgage Balance: | 70000 |
| 1st Mortgage Rate: | 5.75 |
| L.T.V : | 0.5 |
| Date/Time: | 2/10/2006 |

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 70.189.213.49

| | |
|---|-------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | evening |
| City: | HENDERSON |
| Street Address: | [REDACTED] |
| State: | NV |
| Zip Code: | 89052 |
| Credit Rating: | Good |
| Property Value: | 790000 |
| Property Type: | Single Family |
| Loan Amount: | 450000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 400000 |
| 1st Mortgage Rate: | 5.5 |
| L.T.V : | 0.569620253164557 |
| Date/Time: | 2/10/2006 |

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 66.190.242.176

| | |
|---|---------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | evening |
| City: | Yerington |
| Street Address: | [REDACTED] |
| State: | NV |
| Zip Code: | 89447 |
| Credit Rating: | Poor |
| Property Value: | 305000 |
| Property Type: | Single Family |
| Loan Amount: | 205000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 200000 |
| 1st Mortgage Rate: | 6.875 |
| L.T.V : | 0.67213114754098358 |
| Date/Time: | 2/10/2006 |

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 66.166.232.206

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: before noon
City: las vegas
Street Address: [REDACTED]
State: NV
Zip Code: 89101
Credit Rating: Good
Property Value: 167500
Property Type: Single Family
Loan Amount: 142500
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 100000
1st Mortgage Rate: 7.75
L.T.V : 0.85074626865671643
Date/Time: 2/10/2006

Loan Officer Notes:

LEADS

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Masters in Quality Lead Generation

I.P Address: 71.56.144.148

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: gladstone
Street Address: [REDACTED]
State: OR
Zip Code: 97027
Credit Rating: Poor
Property Value: 275000
Property Type: Single Family
Loan Amount: 225000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 206000
1st Mortgage Rate: 8
L.T.V : 0.81818181818181823
Date/Time: 2/10/2006

Loan Officer Notes:

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I.P Address: 24.21.10.128

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Salem
Street Address: [REDACTED]
State: OR
Zip Code: 97304
Credit Rating: Good
Property Value: 1000001
Property Type: Single Family
Loan Amount: 600000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 600000
1st Mortgage Rate: 6.5
L.T.V : 0.59999940000060004
Date/Time: 2/10/2006

Loan Officer Notes:

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Masters in Quality Lead Generation

I.P Address: 66.98.162.34

| | |
|---|---------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Federal Way |
| Street Address: | [REDACTED] |
| State: | WA |
| Zip Code: | 98023 |
| Credit Rating: | Good |
| Property Value: | 610000 |
| Property Type: | Single Family |
| Loan Amount: | 300000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 70000 |
| 1st Mortgage Rate: | 10.5 |
| L.T.V : | 0.12295081967213115 |
| Date/Time: | 2/10/2006 |

Loan Officer Notes:

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I.P Address: 216.93.197.169

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call: before noon
City: Seattle
Street Address: [REDACTED]
State: WA
Zip Code: 98118
Credit Rating: Poor
Property Value: 345000
Property Type: Single Family
Loan Amount: 192500
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 200000
1st Mortgage Rate: 9.5
L.T.V : 0.55797101449275366
Date/Time: 2/10/2006

Loan Officer Notes:

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Masters In Quality Lead Generation

I.P Address: 24.18.6.176

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Puyallup
Street Address: [REDACTED]
State: WA
Zip Code: 98374
Credit Rating: Poor
Property Value: 495000
Property Type: Single Family
Loan Amount: 425000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 425000
1st Mortgage Rate: 4.5
L.T.V : 0.85858585858585856
Date/Time: 2/10/2006

Loan Officer Notes:

LEADS

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Masters In Quality Lead Generation

I.P Address: 207.224.243.172

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Sammamish
Street Address: [REDACTED]
State: WA
Zip Code: 98075
Credit Rating: Poor
Property Value: 600000
Property Type: Single Family
Loan Amount: 475000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 456000
1st Mortgage Rate: 7.875
L.T.V : 0.7916666666666663
Date/Time: 2/10/2006

Loan Officer Notes:

LEADS

WWW.ATLEADS.COM

Masters In Quality Lead Generation

I.P Address: 24.17.109.123

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: lk stevens
Street Address: [REDACTED]
State: WA
Zip Code: 98258
Credit Rating: Good
Property Value: 275000
Property Type: Single Family
Loan Amount: 225000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 225000
1st Mortgage Rate: 4
L.T.V : 0.81818181818181823
Date/Time: 2/10/2006

Loan Officer Notes:

LEADS

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Masters In Quality Lead Generation

I.P Address: 67.183.129.65

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: bellevue
Street Address: [REDACTED]
State: WA
Zip Code: 98005
Credit Rating: Good
Property Value: 600000
Property Type: Single Family
Loan Amount: 500000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 230000
1st Mortgage Rate: 4.75
L.T.V : 0.8333333333333337
Date/Time: 2/10/2006

Loan Officer Notes:

LEADS

WWW.ATLEADS.COM

Masters in Quality Lead Generation

I.P Address: 67.185.46.156

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Spokane
Street Address: [REDACTED]
State: WA
Zip Code: 99216
Credit Rating: Poor
Property Value: 110000
Property Type: Single Family
Loan Amount: 100000
Reason For Borrowing: Refi 1st W/Cash Out
1st Mortgage Balance: 75000
1st Mortgage Rate: 8
L.T.V : 0.68181818181818177
Date/Time: 2/10/2006

Loan Officer Notes:

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 170.94.53.89

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Oakland
Street Address: [REDACTED]
State: CA
Zip Code: 94603
Do You Own A Home:
Credit Rating: Fair
Property Value: 395000
Purchase Price:
Property Type: Single Family Residence
Loan Amount: 100000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 67500
1st Mortgage Rate: 7.25
L.T.V : 0.25316455696202533
Date/Time: 8/17/2005
Lead ID 8/17/2005

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 12.31.21.15

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Carlton |
| Street Address: | [REDACTED] |
| State: | FL |
| Zip Code: | 33655 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 142500 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 100000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 92500 |
| 1 st Mortgage Rate: | 7.25 |
| L.T.V : | 0.70175438596491224 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 131.15.48.58

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Colorado Springs |
| Street Address: | [REDACTED] |
| State: | CO |
| Zip Code: | 80915 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 162500 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 127500 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 130000 |
| 1 st Mortgage Rate: | 6.25 |
| L.T.V : | 0.7846153846153846 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 198.104.63.140

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: fresno
Street Address: [REDACTED]
State: CA
Zip Code: 93755
Do You Own A Home:
Credit Rating: Good
Property Value: 205000
Purchase Price:
Property Type: Single Family Residence
Loan Amount: 150000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 127500
1st Mortgage Rate: 6
L.T.V : 0.73170731707317072
Date/Time: 8/17/2005
Lead ID 8/17/2005

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 205.188.116.203

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Ramona |
| Street Address: | [REDACTED] |
| State: | CA |
| Zip Code: | 92065 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 450000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 150000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 137500 |
| 1st Mortgage Rate: | 9.9000000000000004 |
| L.T.V : | 0.33333333333333331 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 163.230.7.6

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Asheboro
Street Address: [REDACTED]
State: CA
Zip Code: 27203
Do You Own A Home:
Credit Rating: Good
Property Value: 305000
Purchase Price:
Property Type: Single Family Residence
Loan Amount: 200000
Reason For Borrowing: Refi 1st Mortgage
1st Mortgage Balance: 162500
1st Mortgage Rate: 6.75
L.T.V : 0.65573770491803274
Date/Time: 8/17/2005
Lead ID 8/17/2005

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 69.213.91.158

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Denver |
| Street Address: | [REDACTED] |
| State: | CO |
| Zip Code: | 80211 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 300000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 200000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 42500 |
| 1 st Mortgage Rate: | 6 |
| L.T.V : | 0.66666666666666663 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 157.130.245.90

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Golden |
| Street Address: | [REDACTED] |
| State: | CO |
| Zip Code: | 80403 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 265000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 200000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 235000 |
| 1 st Mortgage Rate: | 6.25 |
| L.T.V : | 0.75471698113207553 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 168.215.199.26

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | South Windsor |
| Street Address: | [REDACTED] |
| State: | CT |
| Zip Code: | 6074 |
| Do You Own A Home: | |
| Credit Rating: | Fair |
| Property Value: | 450000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 200000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 265000 |
| 1st Mortgage Rate: | 7.75 |
| L.T.V : | 0.44444444444444442 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 12.226.168.66

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Sun Valley |
| Street Address: | [REDACTED] |
| State: | NV |
| Zip Code: | 89433 |
| Do You Own A Home: | |
| Credit Rating: | Poor |
| Property Value: | 285000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 200000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 187500 |
| 1st Mortgage Rate: | 7.5 |
| L.T.V : | 0.70175438596491224 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 63.67.43.147

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Portland |
| Street Address: | [REDACTED] |
| State: | OR |
| Zip Code: | 97229 |
| Do You Own A Home: | |
| Credit Rating: | Fair |
| Property Value: | 255000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 200000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 205000 |
| 1 st Mortgage Rate: | 7 |
| L.T.V : | 0.78431372549019607 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 146.129.249.101

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | AUBURN |
| Street Address: | [REDACTED] |
| State: | WA |
| Zip Code: | 98001 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 310000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 237500 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 235000 |
| 1 st Mortgage Rate: | 7 |
| L.T.V : | 0.7661290322580645 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 198.104.63.140

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | new milford |
| Street Address: | [REDACTED] |
| State: | CT |
| Zip Code: | 6776 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 350000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 300000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 152500 |
| 1 st Mortgage Rate: | 5.25 |
| L.T.V : | 0.8571428571428571 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 66.195.95.2

| | |
|-----------------------------------|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | sorrento |
| Street Address: | [REDACTED] |
| State: | FL |
| Zip Code: | 32776 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 750000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 500000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1 st Mortgage Balance: | 410000 |
| 1 st Mortgage Rate: | 6.5 |
| L.T.V : | 0.66666666666666663 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 66.215.179.53

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | EL CAJON |
| Street Address: | [REDACTED] |
| State: | CA |
| Zip Code: | 92020 |
| Do You Own A Home: | |
| Credit Rating: | Poor |
| Property Value: | 800000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 600000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 570000 |
| 1st Mortgage Rate: | 6 |
| L.T.V : | 0.75 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 65.246.232.101

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Indian Wells |
| Street Address: | [REDACTED] |
| State: | CA |
| Zip Code: | 92210 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 800000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 600000 |
| Reason For Borrowing: | Refi 1st Mortgage |
| 1st Mortgage Balance: | 630000 |
| 1st Mortgage Rate: | 6 |
| L.T.V : | 0.75 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 63.67.43.147

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | WARRENTON |
| Street Address: | [REDACTED] |
| State: | OR |
| Zip Code: | 97146 |
| Do You Own A Home: | |
| Credit Rating: | Fair |
| Property Value: | 172500 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 100000 |
| Reason For Borrowing: | Refi 1st W/ Cash Out |
| 1st Mortgage Balance: | 132500 |
| 1st Mortgage Rate: | 6 |
| L.T.V : | 0.57971014492753625 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 66.195.95.2

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: littleton
Street Address: [REDACTED]
State: CO
Zip Code: 80128
Do You Own A Home:
Credit Rating: Good
Property Value: 200000
Purchase Price:
Property Type: Single Family Residence
Loan Amount: 150000
Reason For Borrowing: Refi 1st W/ Cash Out
1st Mortgage Balance: 147500
1st Mortgage Rate: 6.75
L.T.V : 0.75
Date/Time: 8/17/2005
Lead ID 8/17/2005

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order
I.P Address: 205.188.116.203

Name: [REDACTED]
Home Phone: [REDACTED]
Email: [REDACTED]
Best Time To Call:
City: Saint James City
Street Address: [REDACTED]
State: FL
Zip Code: 33956
Do You Own A Home:
Credit Rating: Good
Property Value: 405000
Purchase Price:
Property Type: Single Family Residence
Loan Amount: 190000
Reason For Borrowing: Refi 1st W/ Cash Out
1st Mortgage Balance: 95000
1st Mortgage Rate: 6
L.T.V : 0.46913580246913578
Date/Time: 8/17/2005
Lead ID 8/17/2005

AtLeads.com Lead ID#

FRESH QUALITY MORTGAGE LEADS

WWW.ATLEADS.COM Call (561) 955-9573 To Re-order

I.P Address: 66.215.179.53

| | |
|---|-------------------------|
| Name: | [REDACTED] |
| Home Phone: | [REDACTED] |
| Email: | [REDACTED] |
| Best Time To Call: | |
| City: | Rancho Cucamonga |
| Street Address: | [REDACTED] |
| State: | CA |
| Zip Code: | 91730 |
| Do You Own A Home: | |
| Credit Rating: | Good |
| Property Value: | 445000 |
| Purchase Price: | |
| Property Type: | Single Family Residence |
| Loan Amount: | 192500 |
| Reason For Borrowing: | Refi 1st W/ Cash Out |
| 1st Mortgage Balance: | 135000 |
| 1st Mortgage Rate: | 6 |
| L.T.V : | 0.43258426966292135 |
| Date/Time: | 8/17/2005 |
| Lead ID | 8/17/2005 |

1 Bingham McCutchen LLP
 JAMES G. SNELL (SBN 173070)
 2 CHRISTOPHER M. O'CONNOR (SBN 229576)
 ANDREW B. ELLSWORTH (SBN 240176)
 3 1900 University Avenue
 East Palo Alto, CA 94303-2223
 4 Telephone: (650) 849-4400
 Facsimile: (650) 849-4800
 5
 Attorneys for Defendant
 6 Quicken Loans Inc.

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 OAKLAND DIVISION

11
 12 ASIS INTERNET SERVICES, a California
 Corporation,

13 Plaintiff,

14 v.

15 OPTIN GLOBAL, INC., et al.,

16 Defendants.

No. 3:05-CV-05124-CW

DECLARATION OF AMY BISHOP IN
 SUPPORT OF DEFENDANT
 QUICKEN LOANS INC.'S MOTION
 FOR SECURITY FOR COSTS
 INCLUDING ATTORNEYS FEES

Date: April 21, 2006
 Time: 10:00 a.m.
 Place: Courtroom 2 -- 4th Floor
 Judge: Honorable Claudia Wilken

17
 18
 19 I, Amy Bishop, declare as follows under penalty of perjury:

20 1. I am employed by defendant Quicken Loans Inc. as Associate Corporate
 21 Counsel. I have personal knowledge of the matters stated herein and if called as a witness could
 22 and would testify competently to the facts stated in this declaration.

23 2. Quicken Loans is America's top online mortgage lender, with a 94% client
 24 satisfaction score. Quicken Loans is the preferred mortgage company for many of America's top
 25 companies, including AT&T, Google, Yahoo!, Compuware, EDS, and Penske. Quicken Loans
 26 has been ranked as one of the top place to work by Fortune, Computerworld Magazine, and the
 27 Michigan Business and Professional Association.
 28

DECLARATION OF AMY BISHOP IN SUPPORT OF MOTION FOR SECURITY FOR COSTS

1 3. Quicken Loans has policies and contractual provisions in place that
2 require that the companies it does business with comply with the CAN-SPAM Act and related
3 laws. Quicken Loans requires that the companies with whom it works comply with these
4 policies and contractual provisions.

5 4. On November 1, 2005, Plaintiff's counsel Jason Singleton wrote to
6 Quicken Loans stating "my client wishes to provide Quicken Loans a complete release
7 agreement in exchange for Quicken Loans assistance in tracking down the flow of data from the
8 spammer to the online form web pages and finally to Quicken Loans." A true and correct copy
9 of this letter is attached as Exhibit A. I am informed and believe that this letter was sent after
10 Mr. Singleton called Andrew Lusk, Associate Corporate Counsel to Quicken Loans. I followed
11 up on the letter and had several conversations with Plaintiff's counsel Jason Singleton in an
12 attempt to cooperate with him and alleviate any concerns.

13 5. I understand from Mr. Singleton that he or Plaintiff filled out an online
14 mortgage information request form using the phony name "Bruce Wolf," and that Plaintiff or Mr.
15 Singleton subsequently received a phone call from Quicken Loans offering mortgage services to
16 Bruce Wolf.

17 6. The source of the Bruce Wolf lead came from a company that Quicken
18 Loans contracts with called Azoogle.com ("Azoogle"). In its contract with Quicken Loans,
19 Azoogle agrees to abide by Quicken Loans' privacy policy for companies with whom Quicken
20 Loans does business and that policy requires compliance with junk email and other applicable
21 laws. Moreover, in its contract with Quicken Loans, Azoogle "represents and warrants that it has
22 obtained any and all requisite consent from consumers to pass their information to [Quicken
23 Loans] as a Qualified Submission . . ."

24 7. On November 2, 2005, I contacted Azoogle seeking information about the
25 Bruce Wolf mortgage inquiry lead. On November 3, I called Plaintiff's counsel Mr. Singleton
26 and explained that Quicken Loans was investigating the source of the lead. Mr. Singleton
27 threatened to sue Quicken Loans if it did not provide information about the lead.

28 8. During telephone conversations on November 17 and 21, 2005,

1 Mr. Singleton told me that either he or Plaintiff filled out the online mortgage information
2 request form on the USA Lenders Network's web site. I told Mr. Singleton that I had never
3 heard of USA Lenders Network and did not think that Quicken Loans had a business relationship
4 with USA Lenders Network. I later confirmed that Quicken Loans does not have a business
5 relationship with USA Lenders Network or any other named defendant. Subsequently, Mr.
6 Singleton provided me with sample copies of the online mortgage information forms which I was
7 led to believe are or were used on the USA Lenders Network website. On each sample online
8 mortgage information request form provided by Mr. Singleton, the form itself discloses that the
9 request for information by the user is voluntary and that a mortgage lender will be contacting the
10 website user as a follow-up to the user's request for information.

11 9. On or about December 14, 2005, I spoke with Mr. Singleton and informed
12 him that I had received all the information I could expect to get about the source of the Bruce
13 Wolf mortgage inquiry lead. Since Mr. Singleton had threatened a lawsuit and offered a release
14 to Quicken Loans in exchange for information, I told Mr. Singleton words to the effect that "it is
15 understood that the release of this information to you is conditioned upon you releasing Quicken
16 Loans." Mr. Singleton agreed to release Quicken Loans in exchange for the information. Mr.
17 Singleton did not tell me that he had filed a lawsuit against Quicken Loans two days earlier, but
18 instead asked me to cooperate by providing the information I had.

19 10. Relying on the release, I then explained to Mr. Singleton that Quicken
20 Loans received the lead from its affiliate, Azoogole, and that Azoogole had apparently received the
21 lead from John Strothers (with whom Quicken Loans had no relationship). I also told Mr.
22 Singleton that I understood Azoogole severed its relationship with Mr. Strothers after Mr.
23 Strothers did not respond to Azoogole's repeated requests for information concerning the Bruce
24 Wolf mortgage inquiry. Mr. Singleton thanked me and promised to send me a written release to
25 memorialize the oral agreement.

26 11. On December 20, 2005, Quicken Loans received a copy of a partial
27 release agreement from Mr. Singleton's office via email. A true and correct copy of this
28 agreement is attached as Exhibit B. The release was missing the last pages but the sent portion

1 addressed the consideration exchanged. I note that the language of this agreement requires
2 nothing further from Quicken Loans in exchange for the release. I also note that the cover page
3 thanks Quicken Loans for its “attention and assistance in this matter” and states “[u]pon
4 execution of the Release, we will also file a Dismissal with the Court dismissing Quicken Loans
5 from the action.” The draft agreement confirms the release of Quicken Loans for “good and
6 sufficient consideration, the receipt of which is hereby acknowledged.” I called Mr. Singleton’s
7 office and spoke with Roberta Alliston who promised to send the full copy of the release.

8 12. Two days later, Ms. Alliston forwarded to me a different release along
9 with a copy of the complaint. True and correct copies of these documents are attached as
10 Exhibit C. The new release purported to require Quicken Loans to provide further information to
11 Plaintiff. This was not what I had agreed to with Mr. Singleton. Nevertheless, Quicken Loans
12 was willing to modify the earlier oral agreement and I made some minor changes to the release
13 and emailed the revised version to Mr. Singleton’s office on December 23, 2005. A true and
14 correct version of the revised agreement is attached as Exhibit D.

15 13. On January 5, 2006, having heard nothing from Mr. Singleton, I emailed
16 Ms. Alliston, inquiring into the status of the release agreement. Ms. Alliston told me to call
17 Mr. Singleton directly, which I did. After exchanging several voicemails, I finally spoke with
18 Mr. Singleton on January 12, 2006. Mr. Singleton informed me that Plaintiff was no longer
19 willing to release Quicken Loans. He proceeded to tell me that he had received “better
20 information” from another source, that he was “tired” of dealing with Quicken Loans, and that
21 Quicken Loans’ revisions to the agreement were “unacceptable.” When I reminded Mr.
22 Singleton that he verbally agreed to the release, he replied “try to enforce a verbal agreement.”

23 14. I have reviewed internal records from Quicken Loans regarding
24 communications with Plaintiff’s domain “asis.com” and have learned that Quicken Loans
25 communicated with nine different email addresses (including the Bruce Wolf lead) over the past
26 six years. Two of those addresses are associated with people who closed loans with Quicken
27 Loans, two received emails prior to the enactment of the CAN-SPAM Act or the California junk
28 email law, and five received emails from Quicken Loans in response to what Quicken Loans

1 thought was an affirmative request for information and those emails offered ways for the
2 recipient to decline further communication from Quicken Loans. No one with an "asis.com"
3 email address has asked to opt-out from receiving information from Quicken Loans.

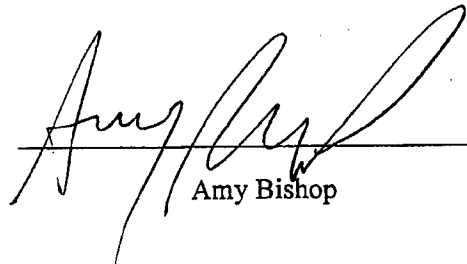
4

5 I declare under penalty of perjury that the foregoing is true and correct. This
6 declaration is executed on March 17, 2006.

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Amy Bishop

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