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April 16, 2007

Magistrate Judge Joseph C. Spero
United States District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

RE: ASIS Internet Services v Optin Global, Inc., et al
USDC, Northern District of California, CV-05-5124 JCS

Dear Judge Spero:

When Mr. Burgoyne and I met and conferred regarding pending discovery disputes in your court on March 20, 2007, we ran out of time and were unable to meet and confer on Azoogole's responses to Plaintiff's First Set of Interrogatories.

Mr. Burgoyne and I met and conferred over the telephone on April 12th regarding Azoogole's Responses to Interrogatories. The following is a summary of that meet and confer. My office drafted a proposed joint letter to summarize the results of the meet and confer held on March 20th and sent same to Mr. Burgoyne's office. Plaintiff is still waiting for Mr. Burgoyne's input.

After Mr. Burgoyne and I met and conferred on Defendant's Responses to Interrogatories, I requested of Mr. Burgoyne that we include the results of our meet and confer in the pending joint letter summarizing the results of the March 20th meet and confer. Mr. Burgoyne stated that, since the meet and confer of April 12th (regarding interrogatories) did not occur in Court, that such results of the meet and confer should not be included in the joint letter currently pending. Consequently, Plaintiff submits the following separate letter summarizing the results of Plaintiff's meet and confer on Azoogole's Responses to Plaintiff's First Set of Interrogatories.

Plaintiff's Interrogatory No. 6 requested a list of the URL's for the sites operated by Azoogole or printed copies of the sites. Defendant's response states: "Azoogole will supplement its answer as soon as it completes that task." During our meet and confer Mr. Burgoyne stated he would confirm when that information would be provided to Plaintiff. Mr. Burgoyne could not state when that would be.

Plaintiff's Interrogatory No. 9 requested the identity of the individuals with whom Azoogoleads had agreements to acquire sales leads from during the incident period. Azoogole's response would only provide information related to the Bruce Wolf lead. Mr. Burgoyne stated at our meet and confer on April 12th that he would not provide any further information until the Court rules on the pending summary adjudication.

April 16, 2007
CV-05-5124 JCS
Page 2

Plaintiff's Interrogatory No. 10 requested the contact information for the individuals with whom Azoogleads had agreements with to sell sales leads. Defendant's response states: "It is in the process of formulating a list of certain mortgage brokers and would provide that information." Upon the parties meet and confer on April 12th, Mr. Burgoyne stated he would be getting that information to Plaintiff but could not state a firm date when that would occur.

In Interrogatory No. 11 Plaintiff requested Defendant to state how much money was paid to Azoogleads by purchasers of sales leads during the incident period. This information is relevant to Plaintiff's case because if it shows that Azoog only has a handful of affiliates that generate the lion's share of traffic and that those affiliates are known spammers that Defendant knew or consciously avoided knowing that it was contracting with Spammers. Mr. Burgoyne stated at our meet and confer that he would provide no response to Interrogatory No. 11 until a ruling on the pending motion for summary adjudication.

Plaintiff's Interrogatory No. 12 requests Defendant state how much money was paid to its affiliates to acquire sales leads during the incident period. This information is relevant in the same manner as Interrogatory No. 11. As to Interrogatory No. 12, Mr. Burgoyne stated at our meet and confer that he stands by his objections stated in the Response to Interrogatories and would not provide further information.

Plaintiff's Interrogatory No. 13 asks "what manager or individual is responsible for establishing agreements and or contracts with affiliate companies" and to please provide the name, address, and telephone number of the manager or individual. During the parties meet and confer on April 12th Mr. Burgoyne stated he would follow-up on that and provide the information to Plaintiff. Mr. Burgoyne could not provide a date when that would occur.

Plaintiff's Interrogatory No. 15 requests that Defendant identify the affiliates of Defendant who send commercial electronic mail messages and such entities contact information. Plaintiff is willing to limit Interrogatory No. 15 to avoid the "on behalf of" language that Mr. Burgoyne found objectionable. Mr. Burgoyne stated his client was standing on its objections and not provide any additional information.

Plaintiff's Interrogatory No. 16 requested to know from Defendant, which affiliates sent commercial electronic mail messages to Plaintiff's computer. Mr. Burgoyne objected on the grounds the interrogatory was overbroad. Plaintiff offered to limit the scope of Interrogatory No. 16 such that Defendant only need state it knows who sent the subject emails to Plaintiff's computer and identify such individual or state that Azoog doesn't know who sent the subject emails to Plaintiff's computer. Mr. Burgoyne stated he would stand by the objections and the response.

April 16, 2007
CV-05-5124 JCS
Page 3

Plaintiff's Interrogatory No. 17 inquired as to whom the manager or individual is who is responsible for payment of sales lead generation to affiliate companies. Defendant's written response states: Defendant was in the process of determining the name, ... and "will supplement its answer as soon as it has completed that task." Upon the parties meet and confer, I inquired of Mr. Burgoyne when that information would be forthcoming. Mr. Burgoyne stated he would let us know.

Plaintiff's Interrogatory No. 20 inquired of Defendant Azoogle as to why it was on the *Spamhaus Rokso* list and also requests that Defendant provide the name of any employee who is involved in providing information to *Spamhaus* or corresponding with *Spamhaus* during the incident period. Mr. Burgoyne stated he would not respond to that interrogatory and that Defendant would stand by its objections.

Ever since the meeting in your Honor's Court on March 20, Plaintiff has been attempting to obtain dates for the deposition of individuals from Azoogle. Plaintiff has 3 depositions of Azoogle individuals it would like to take: Ryan McVey, Alex Zhardanovksy, and Don Mathis. Plaintiff has suggested the third week of May for 2 of the deponents and the first week of May for Mr. Mathis. Plaintiff would like to take these depositions sooner, however, Mr. Burgoyne has stated he would instruct the witnesses not to answer questions regarding Azoogle's affiliates, spam complaints, and history of generating spam email. Consequently, Plaintiff has suggested that the bulk of the depositions occur after the Court rules on such motions. However, Plaintiff would like to depose Don Mathis the first week of May. Mr. Burgoyne has proposed May 17 and 18 for the depositions of Mr. Mathis and Mr. McVey. Mr. Burgoyne has stated the deposition of Mr. McVey might not go forward then as Mr. McVey's wife is due to give birth that week. Mr. Burgoyne has also not provided a date for Mr. Zhardanovsky, instead, asking why his deposition might be relevant.

Mr. Burgoyne stated he would not produce Mr. Mathis during the first week of May and in fact, Mr. Burgoyne has still not provided any deposition dates for any of the proposed deponents other than May 17 and 18 with conditions as set forth above. Consequently, Plaintiff will notice the depositions and request the court hold a telephonic conference to confirm that Defendant will produce the deponents on the dates noticed.

Respectfully submitted,

SINGLETON LAW GROUP

/s/

Jason K. Singleton

cc: Hank Burgoyne