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6 **Attorneys for Plaintiff, ASIS Internet Services**

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **ASIS INTERNET SERVICES, a California**
corporation,

11 **Plaintiff,**

12 **vs.**

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

17 **Defendants.**

Case No. C-05-5124 JCS

DECLARATION OF NELLA WHITE IN
SUPPORT OF PLAINTIFF'S MOTION FOR
SUMMARY ADJUDICATION OF ISSUES

DATE: March 14, 2008
TIME: 1:30 p.m.
CTRM: 15, 18TH FLOOR

18 I, NELLA WHITE, declare as follows

19 1. I am the President and CEO of Plaintiff herein. I have personal and firsthand
20 knowledge of each fact hereinafter set forth and if called to testify could and would competently
21 testify to the matters set forth herein.

22 2. Plaintiff, ASIS Internet Services, Inc., is a corporation in the business of providing
23 access to the Internet to consumers and businesses in Northern California. ASIS Internet
24 Services, Inc. was started in 1995 and had just under 1,000 Internet access customers in
25 2005.

26 3. Plaintiff, ASIS Internet Services, Inc., provides email services to its customers.
27 Plaintiff, ASIS Internet Services, Inc., had just under 1,000 customers for email service in
28 2005.

1 4. Plaintiff, ASIS Internet Services, Inc., owns 6 domain names used to provide both
2 Internet access service and email service, including:

3 asis.com
4 avenueofthegiants.net
5 coastalinternet.net
6 communitycornerstone.org
7 mckinleyville.net
8 urchin.net

9 Attached hereto as Exhibit A is a true and correct copy of WHOIS reports showing
10 ownership of these domains by ASIS. WWW.ASIS.COM is the homepage for ASIS's Internet
11 and email services.

12 5. Plaintiff, ASIS Internet Services, Inc., received the 12,576 emails produced to
13 Defendant via its email services between October of 2005 and January 2006.

14 6. In response to Defendant Quickens Request for Production No. 2, ASIS provided
15 the following documents:

16 Articles of Incorporation of ASIS INTERNET SERVICES
17 ASIS's Business License
18 Vendor Invoice from BillMax
19 Vendor Invoice from O1 Communications
20 Vendor Invoice from Postini
21 Vendor Invoice from AT&T
22 Vendor Invoice from Sonic.net
23 Vendor Invoice from StarNet
24 A miscellaneous sampling of Customer Invoices

25 A true and correct copy of these documents is attached hereto as Exhibit B.

26 7. Attached hereto as Exhibit C are true and correct copies of bandwidth Graphs
27 and server configuration files depicting internet service and email service provided by ASIS
28 Internet Service and provided to Plaintiff's expert Jeffrey Posluns for review. Filed under Seal.

 8. Attached hereto as Exhibit D is a true and correct copy of Plaintiff's Amended
Response to Defendant's Third Set of Interrogatories with verification.

 9. Attached hereto as Exhibit E is a true and correct electronic copy of the emails
provided to Defendant's in Plaintiff's Supplemental Disclosure of January 10, 2007, with
instructions. Filed under Seal. A second disc is also provided with the emails loaded into a
view only version of the Thunderbird email browser. This disc can be used to view the emails

1 without loading them on the user's computer. To view the emails using the second disc load
2 the disc into the CD changer of a PC, running Windows XP, and click on the "Yes" button when
3 requested. The Thunderbird email browser will then open (**Note:** if the user uses Thunderbird
4 as their email browser make sure Thunderbird is not running during this process). After the
5 browser is open, double click on the "ASIS Originals" file towards the top left of the browser
6 and the emails will appear in the viewer window. Click on any of the emails to view the actual
7 email. Double click on the email to open it in a separate window.

8 10. ASIS Internet Services did not request or provide consent to receive mortgage
9 refinance commercial emails to any of its closed or unassigned email accounts.

10 11. Attached hereto as Exhibit F is a true and correct copy of an email dated October
11 28, 2005, from Quicken Loans addressed to Bruce Wolf in response to the mortgage request
12 submitted by Asis Internet Services.

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

16
17
18 Dated: January 8, 2008

/s/ NELLA WHITE
NELLA WHITE