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6 **Attorneys for Plaintiff,**

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

10 **ASIS INTERNET SERVICES, a California) Case No. C-05-5124 JCS**
corporation,)
11)
12 **Plaintiff,) SUPPLEMENTAL CASE MANAGEMENT**
vs.) STATEMENT
13)
14 **OPTIN GLOBAL, INC., a Delaware) DATE: April 25, 2008**
Corporation, also dba Vision Media) **TIME: 1:30 p.m.**
15 **Limited Corp., USA Lenders Network,)**
16 **USA Lenders, and USA Debt)**
Consolidation Service; et al.,)
17 **Defendants.)**

18
19 Pursuant to Civil L.R. 16-14(d), the parties to the above-entitled action certify that they
20 met and conferred at least 10 days prior to the subsequent case management conference
21 scheduled in this case and jointly submit this Supplemental Case Statement.

22 **DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**

23 1. The following progress has occurred since the last case management statement
24 was filed by the parties:

25 **PLAINTIFF:**

26 The Court entered its Order Granting Defendant's Motion for Summary Judgment and
27 Dismissing the Action on March 27, 2008. Plaintiff had previously obtained a Clerk's Entry of
28 Default against Defendant LEADS LIMITED with judgment reserved until resolution of the

1 entire action. Given the substance of the Court's ruling, the standing issues addressed would
2 appear to apply as well to the defaulted Defendant. Plaintiff has filed a Notice of Appeal;
3 hence, it may well be the Court is divested of jurisdiction on such issues until the appeal is
4 resolved.

5 Plaintiff is preparing a Motion for Relief of Stay to be filed in the second ASIS vs
6 AZOOGLE (CV-07-4630 MHP) matter pending before Judge Patel as the within matter has
7 been summarily adjudicated. It is unclear whether Judge Patel will continue the stay while the
8 appeal is pending. It does appear that the issues on appeal will be relevant to the CV-07-4630
9 MHP matter before Judge Patel.

10 Plaintiff does not request the redaction of any portion of the Court's Order of March 27,
11 2008.

12 DEFENDANT AZOOGLE:

13 AzoogleAds.com, Inc. ("Azoogle") intends to file or serve the following, in each case as
14 relates to Azoogle's recovery of its cost and attorneys' fees, or to the redesignation of certain
15 evidence relevant to ASIS's standing under CAN-SPAM:

16 1) A bill of costs pursuant to Fed. R. Civ. P. 54, to be filed within 14 days after entry
17 of judgment pursuant to Local Rule 54-1, or within such other period as specified by the Court.

18 2) A motion for fees, additional case-related costs, and/or other monetary sanctions
19 pursuant to 15 U.S.C. §7706(g)(4), 28 U.S.C. §1927, Fed. R. Civ. P. 11, and Local Rule 11-6,
20 to be filed within 14 days after entry of judgment pursuant to Local Rule 54-6, or within such
21 other period as specified by the Court.

22 3) A motion to remove the confidentiality designations for certain materials
23 produced by ASIS and by third parties and relevant to ASIS's standing under CAN-SPAM.
24 ASIS and third parties Postini, Inc. and FalconKnight Enterprises designated as "Confidential"
25 or "Highly Confidential-Attorneys' Eyes Only" documents and testimony that do not merit
26 protection under the Stipulated Protective Order, and that have been matters of public record
27 in other CAN-SPAM cases. The redesignation of those materials is essential to the
28 economical resolution of ASIS's remaining case against Azoogle, as well as to ASIS's five

1 other CAN-SPAM actions pending in this district. Section 6.3 of the Stipulated Protective
2 Order provides Azoogole with the ability to challenge ASIS's confidentiality designations.
3 Azoogole has already initiated the meet-and-confer process, as required under the Stipulated
4 Protective Order.

5 4) Post-judgment discovery in aid of Azoogole's collection of any award to Azoogole of
6 some or all of Azoogole's costs and/or fees. Specifically, based on statements from ASIS's
7 counsel regarding the insolvency and planned bankruptcy of ASIS, Azoogole wishes to identify
8 and locate ASIS's assets. Furthermore, based on information previously discovered by
9 Azoogole—including as relates to Nella and Rex White's personal use of ASIS's assets, and
10 ASIS's apparent failure to hold required board meetings—Azoogole wishes to vet the *bona fides*
11 of ASIS's corporate form, and, if appropriate, to amend any judgment or order awarding
12 cost/fees to name the Whites personally. California Code Civil Procedure Sections 708.020-
13 .030 permit a judgment creditor to conduct post-judgment discovery to aid in the enforcement
14 of a money judgment. See *also* Fed. R. Civ. P. 69(a). Without such discovery, Azoogole likely
15 will be unable to collect on any award of cost and/or fees by the Court.

16 Finally, Azoogole notes that ASIS's purported Notice of Appeal is untimely, given that the
17 Court has not yet issued a final judgment in this case.

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19 **SINGLETON LAW GROUP**

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21 Dated: April 18, 2008

/s/ Jason K. Singleton
JASON K. SINGLETON,
RICHARD E. GRABOWSKI, Attorneys for Plaintiff

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23
24 **KRONENBERGER BURGOYNE LLP**

25
26 Dated: April 18, 2008

/s/ Jeffrey M. Rosenfeld
JEFFREY M. ROSENFELD, Attorneys for
Defendant AZOOGLEADS.COM, INC.