

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER:

03-80295
CIV-MIDDLEBROOKS

EMARKETERSAMERICA.ORG, INC.,
A Florida Non Profit Corporation,

Plaintiff,

vs.

MAGISTRATE JUDGE
JOHNSON

FILED
2003 APR 14 PM 3:47
U.S. DISTRICT COURT - FTL
D.C.

SPEWS.ORG d/b/a THE HERMES GROUP;
SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT;
CSL GMBH JOKER.COM;
STEVE LINFORD;
JULIAN LINFORD;
ALAN MURPHY;
SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA;
STEVEN J. SOBOL;
CLIFTON T. SHARP;
RICHARD C. TIETJENS a/k/a MORLEY DOTES;
ADAM BROWER; and
STEPHEN JOSEPH JARED a/k/a JOE JARED,

Defendants.

COMPLAINT FOR EQUITABLE AND LEGAL RELIEF
AND DEMAND FOR JURY TRIAL

Plaintiff, EMARKETERSAMERICA.ORG, INC., a Florida Non Profit Corporation, by and through its undersigned Counsel, hereby files its Complaint for Equitable and Legal Relief and Demand for Jury Trial against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; CSL GMBH JOKER.COM; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY

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DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, and as grounds therefore alleges as follows:

GENERAL ALLEGATIONS, JURISDICTION, AND VENUE

1. Plaintiff, EMARKETERSAMERICA.ORG, INC., (hereinafter sometimes referred to as “EMARKETERS”), is a Florida Non Profit Corporation with its principal place of business in PALM BEACH County, Florida. EMARKETERS’ membership base consists of email marketers, internet services providers domiciled in and throughout Florida, and other related businesses, which operate their businesses throughout the United States and the World.

2. Defendant, SPEWS.ORG d/b/a THE HERMES GROUP (hereinafter referred to as “SPEWS”), is a United States of America based entity, which operates a blacklist of other’s Internet Protocol addresses. Additionally, SPEWS and its principals sell products which block the electronic transmission and Internet communications of American citizens and businesses. SPEWS posts on the Internet and intentionally delivers information in its express efforts to interrupt and block the internet traffic of lawful businesses and individuals. SPAMHAUS maintains a list of other’s Internet Protocol addresses and servers. SPEWS operates and conducts its activities through the Internet at www.SPEWS.org. Plaintiff is informed and believes that SPEWS has two offices located in California and one in Illinois.

3. Defendant, SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT (hereinafter referred to as “SPAMHAUS”), is a United Kingdom based entity, which operates a blacklist of other’s Internet Protocol addresses. Additionally, SPAMHAUS and its principals sell products which block the electronic transmission and communications of American citizens and businesses. SPAMHAUS posts on the Internet and intentionally delivers information in its express efforts to interrupt and block the internet traffic of lawful businesses and individuals. SPAMHAUS maintains

a list of other's Internet Protocol addresses and servers. SPAMHAUS operates and conducts its activities through the Internet at www.SPAMHAUS.org. SPAMHAUS is believed to have an office in the United States, but the whereabouts are unknown. SPAMHAUS has at least six (6) name-servers, all of which are pointed, directed, and which transmit through Defendant, CSL GMBH JOKER.COM.

4. Defendant, CSL GMBH JOKER.COM (hereinafter referred to as "JOKER"), is an authorized registrant of domains on the world wide web within the internet. JOKER is a corporation organized under the laws of Germany. JOKER registered SPAMHAUS and SPEWS, but has failed to provide a proper and correct addresses to the public for same.

5. Defendant, STEVE LINFORD (hereinafter referred to as "S. LINFORD") is an individual and is believed to be a resident and domiciliary of the United Kingdom, but has concealed his whereabouts. S. LINFORD is otherwise sui juris before this court. Plaintiff is informed and believes that S. LINFORD is an officer, director and principal of SPAMHAUS and SPEWS.

6. Defendant, JULIAN LINFORD (hereinafter referred to as "J. LINFORD") is an individual and is believed to be a resident and domiciliary of the United Kingdom, but has concealed his whereabouts. J. LINFORD is otherwise sui juris before this court. Plaintiff is informed and believes that J. LINFORD is an officer, director and principal of SPAMHAUS and SPEWS.

7. Defendant, ALAN MURPHY (hereinafter referred to as "MURPHY") is an individual and is believed to be a resident and domiciliary of the State of Washington. MURPHY is sui juris before this court. Plaintiff is informed and believes that MURPHY is an officer, director and principal of SPAMHAUS and SPEWS.

8. Defendant, SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA (hereinafter referred to as "WILSON") is an individual and is believed to be a resident and domiciliary of the State

of California. WILSON is sui juris before this Court. Plaintiff is informed and believes that WILSON is an officer, director and principal of SPAMHAUS and SPEWS.

9. Defendant, STEVEN J. SOBOL (hereinafter referred to as “SOBOL”) is an individual and is believed to be a resident and domiciliary of the State of Ohio. SOBOL is sui juris before this court. Plaintiff is informed and believes that SOBOL is an officer, director and principal of SPAMHAUS and SPEWS.

10. Defendant, CLIFTON T. SHARP (hereinafter referred to as “SHARP”) is an individual and is believed to be a resident and domiciliary of the State of Ohio. SHARP is sui juris before this court. Plaintiff is informed and believes that SHARP is an officer, director and principal of SPAMHAUS and SPEWS.

11. Defendant, RICHARD C. TIETJENS a/k/a MORLEY DOTES, (hereinafter referred to a “TIETJENS”) is an individual and is believed to be a resident and domiciliary of the State of Oregon. TIETJENS is sui juris before this Court. Plaintiff is informed and believes that BROWER is an officer, director and principal of SPAMHAUS and SPEWS.

12. Defendant, ADAM BROWER, (hereinafter referred to a “BROWER”) is an individual and is believed to be a resident and domiciliary of the State of Illinois. BROWER is sui juris before this Court. Plaintiff is informed and believes that BROWER is an officer, director and principal of SPAMHAUS and SPEWS.

13. Defendant, STEPHEN JOSEPH JARED a/k/a JOE JARED GUNN (hereinafter referred to a “JARED”) is a resident of the State of California. JARED is sui juris before this Court. Plaintiff is informed and believes that JARED is an officer, director and principal of SPAMHAUS and SPEWS.

14. Plaintiff is a corporation incorporated under the laws of the State of Florida having its

principal place of business in the State of Florida and Defendant, CSL GMBH JOKER.COM, is a corporation organized under the laws of Germany, having its principal place of business in Germany. Neither SPEWS, SPAMHAUS, JOKER, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, or JARED are either incorporated or domiciled within the state of Florida. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332. Therefore, this Court has jurisdiction and based upon the allegations contained within this Complaint, venue is proper within the Southern District of Florida, West Palm Beach Division.

15. Plaintiff is obligated to pay the undersigned law firm a reasonable fee for its services and re-imburement for the costs of the prosecution of this action.

16. Upon information and belief, on October 1, 1999, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, and JARED caused JOKER to register the SPAHHAUS domain, www.SPAMHAUS.org, within its registration network within the world wide web. Since that time S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED and SPAMHAUS have engaged in the below described redressable conduct.

17. Upon information and belief, on July 7, 2001, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, and JARED caused JOKER to register the SPEWS domain, www.SPEWS.org, within its registration network within the world wide web. Since that time S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED and SPEWS have engaged in the below described redressable conduct.

18. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL,

SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS failed to provide JOKER with proper domain registration information, including, but not limited to, their addresses, proper incorporated status, and other essential contact information.

19. Defendant, JOKER failed to collect from S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS proper domain registration information, including, but not limited to, their addresses, proper incorporated status, and other essential contact information. This is a violation of JOKER's authority to register and facilitate domains on the world wide web.

20. Defendant, JOKER failed to provide the proper domain registration information, including, but not limited to, the addresses, proper incorporated status, and other essential contact information for www.SPAMHAUS.org and www.SPEWS.org.

21. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, and JARED have intentionally posted on their websites, www.SPAMHAUS.org and www.SPEWS.org, false, misleading and otherwise trade libelous information concerning the Plaintiff. Specifically, they have reported that the business practices of the Plaintiff are illegal and that the internet protocol addresses and servers of members of the Plaintiff's are not their property.

22. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have intentionally transmitted false information via the "Spamhaus Block List" and Spews filtering devices to third parties in direct efforts to maliciously interfere with the businesses of the Plaintiff, and its members. These third parties include, the upstream providers and other contractual partners of the Plaintiff.

23. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL,

SHARP, TIETJENS, BROWER, JARED, SPAMHAUS, SPEWS, and JOKER have blocked the Internet Protocol addresses and the servers of persons and entities who have done and who are doing business with the Plaintiff.

24. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS sell products, which interference, block and destroy all internet transmissions and communications of the businesses and individuals, including the Plaintiff. These complained activities interrupt the flow of interstate commerce and international commerce.

25. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS'S efforts are calculated to disrupt and destroy the businesses, and the business and personal reputations of the Plaintiff.

26. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have sought to conceal their whereabouts to avoid suit.

27. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have acted in concert with the intention to destroy the business and personal reputations of the Plaintiff.

28. Defendant, JOKER holds the true identities and whereabouts of Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS.

29. All conditions precedent to the institution of this action have been performed, excused or have occurred.

Count I – Injunctive and other equitable relief

30. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully set forth herein.

31. This is an action within this courts equitable jurisdiction.

32. Plaintiff will suffer irreparable harm to its business reputation and loss of its good will, unless the status quo is maintained. Should the Defendants, be allowed to continue their assault upon the Plaintiff and the Plaintiff's industry, the Plaintiff's industry will cease to exist. This will cause more Americans to become unemployed.

33. Plaintiff has no adequate remedy at law.

34. Plaintiff has a clear legal right to the relief requested.

35. The issuance of a temporary injunction will serve the public interest.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands:

A. the issuance of an injunction against Defendant, CSL GMBH JOKER.COM, which would prevent CSL GMBH JOKER.COM from maintaining, registering, and supporting www.SPAMHAUS.org and www.SPEWS.org or any other current or future domain of Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, or any other affiliate and associate of SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; and

B. CSL GMBH JOKER.COM release and deliver, forthwith, to the Plaintiff and file with this Court all information concerning the true identities and whereabouts of

Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED; and

C. The issuance of an injunction forever preventing Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED from operating any entity or acting in any way to block or blacklist any Internet Protocol addresses and servers of the Plaintiff or to engage in any similar type activity; and

D. An award for attorney fees and court costs, interest, together with such other and further relief as this Court deems just, proper, and equitable.

Count II – Conversion

36. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully set forth herein.

37. This is an action for the tort of conversion for damages, which exceed the sum of \$75,000.00, exclusive of interest and costs.

38. From October 1, 1999 (SPAMHAUS) and July 7, 2001 (SPEWS) through the present S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have intentionally blacklisted [blacklisted] and

filtered, in order to purposefully take away certain Internet Protocol addresses and servers, which are the property of the Plaintiff.

39. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS converted said Internet Protocol addresses and servers to their own use and for their own financial gain.

40. Said conversion of Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, was the direct and proximate cause of damage to Plaintiff.

41. Plaintiff, EMARKETERS suffered damages.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands judgment for damages against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, an award for attorney fees and court costs, interest, with leave to amend to assert a claim for punitive damages upon a proper showing, together with such other and further relief as this Court deems just, proper, and equitable.

Count III – Libel per se

42. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully set forth herein.

43. This is an action founded in tort for libel per se for damages, which exceed the sum of \$75,000.00, exclusive of interest and costs.

35. From October 1, 1999 (SPAMHAUS) and July 7, 2001 (SPEWS) through the present

Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have intentionally and did affirmatively disclose, disseminate, and publish on, by and through www.SPAMHAUS.org and www.SPEWS.org false statements of and concerning the Plaintiff's members (hereinafter sometimes collectively referred to as the "Statements").

36. The Statements accused the Plaintiff's of illegal business activities and are actionable as libel per se.

37. None of the Statements disclosed by the Defendants were of legitimate public concern.

38. Statements disclosed by Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, were highly offensive to a reasonable person.

39. At the time of the disclosure of the Statements, said disclosure was known by all such Defendants not to be of public concern and were known to be false.

40. Plaintiff, EMARKETERS have suffered general and special damages as a result of the Defendants disclosure.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands judgment for damages against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, an award for attorney fees and court costs, interest, with leave to amend to assert a claim for punitive damages upon a proper

showing, together with such other and further relief as this Court deems just, proper, and equitable.

Count IV - Invasion of Privacy by Public Disclosure of Private Facts

41. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully stated herein.

42. This is an action founded in tort for invasion of privacy by public disclosure of private facts for damages, which exceed the sum of \$75,000.00, exclusive of interest and costs.

43. From October 1, 1999 (SPAMHAUS) and July 7, 2001 (SPEWS) through the present Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have intentionally and did affirmatively disclose, disseminate, and publish on, by and through www.SPAMHAUS.org and www.SPEWS.org false statements of and concerning the Plaintiff's members (hereinafter sometimes collectively referred to as the "Statements").

44. The Statements accused the Plaintiff's of illegal business activities and are actionable as libel per se.

45. None of the Statements disclosed by the Defendants were of legitimate public concern.

46. Statements disclosed by Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, were highly offensive to a reasonable person.

47. At the time of the disclosure of the Statements, said disclosure was known by all such Defendants not to be of public concern and were known to be false.

48. Plaintiff, EMARKETERS have suffered general and special damages as a result of the Defendants disclosure.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands judgment for damages against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, an award for attorney fees and court costs, interest, with leave to amend to assert a claim for punitive damages upon a proper showing, together with such other and further relief as this Court deems just, proper, and equitable.

Count V – False Light

49. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully set forth herein.

50. This is an action founded in tort for false light for damages, which exceed the sum of \$75,000.00, exclusive of interest and costs.

51. From October 1, 1999 (SPAMHAUS) and July 7, 2001 (SPEWS) through the present Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS have intentionally and did affirmatively disclose, disseminate, and publish on, by and through www.SPAMHAUS.org and www.SPEWS.org false statements of and concerning the Plaintiff's members (hereinafter sometimes collectively referred to as the "Statements").

52. The Statements accused the Plaintiff's of illegal business activities and are actionable as false light per se.

53. None of the Statements disclosed by the Defendants were of legitimate public concern.

54. Statements disclosed by Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, were highly offensive to a reasonable person and has placed the Plaintiff's members in a false light, both personally and in the business community.

55. At the time of the disclosure of the Statements, said disclosure was known by all such Defendants not to be of public concern and were known to be false.

56. Plaintiff, EMARKETERS have suffered general and special damages as a result of the Defendants disclosure.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands judgment for damages against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP; RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, an award for attorney fees and court costs, interest, with leave to amend to assert a claim for punitive damages upon a proper showing, together with such other and further relief as this Court deems just, proper, and equitable.

Count VI – Intentional Interference with a Contract

57. Plaintiff realleges and reasserts paragraphs 1 through 29 as though more fully set forth herein.

58. This is an action for the tort of intentional interference with a contract for damages, which exceed the sum of \$75,000.00, exclusive of interest and costs.

59. Plaintiffs did enter into certain contracts for internet bandwidth services and electronic transmission products with certain providers including, but not limited to, ADELPHIA BUSINESS

SOLUTIONS, QWEST COMMUNICATIONS CORPORATION, WORLDCOM, and X O COMMUNICATIONS, (hereinafter referred to as “THE CONTRACTS”).

60. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, did have first hand knowledge of THE CONTRACTS.

61. Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, did intentionally with malice procure and cause the breach of THE CONTRACTS by intentionally and affirmatively disclosing, disseminating, and publishing on, by and through www.SPAMHAUS.org and www.SPEWS.org false statements of and concerning the Plaintiff directly to providers of the Plaintiff including, but not limited to, ADELPHIA BUSINESS SOLUTIONS, QWEST COMMUNICATIONS CORPORATION, WORLDCOM, and X O COMMUNICATIONS (hereinafter collectively referred to as the “INTERFERENCE”).

62. The INTERFERENCE by the Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, was completely without justification or excuse.

63. The INTERFERENCE by Defendants, S. LINFORD, J. LINFORD, MURPHY, WILSON, GUNN, SOBOL, SHARP, TIETJENS, BROWER, JARED, SPAMHAUS and SPEWS, was the direct and proximate cause of damage to Plaintiff.

64. Plaintiff, EMARKETERS suffered damages.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands judgment for damages against Defendants, SPEWS.ORG d/b/a THE HERMES GROUP; SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT; STEVE LINFORD; JULIAN LINFORD; ALAN MURPHY; SUSAN

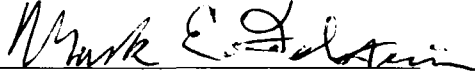
WILSON a/k/a SUSAN GUNN a/k/a SHIKSAA; STEVEN J. SOBOL; CLIFTON T. SHARP;
RICHARD C. TIETJENS a/k/a MORLEY DOTES; ADAM BROWER; ADAM BROWER; and
STEPHEN JOSEPH JARED a/k/a JOE JARED, jointly and severally, an award for attorney fees and
court costs, interest, with leave to amend to assert a claim for punitive damages upon a proper
showing, together with such other and further relief as this Court deems just, proper, and equitable.

Demand for Jury Trial

Plaintiff, EMARKETERSAMERICA.ORG, INC. hereby makes a demand for a jury trial
of all counts so triable.

DATED this 14th day of April, 2003.

FELSTEIN & ASSOCIATES, P.A.
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BY 
Mark E. Felstein, Esq.
FBN: 192139

CIVIL COVER SHEET

03-80295

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

E Marketers America, org, Inc.

(b) County of Residence of First Listed Plaintiff Palm Beach (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mark E. Felstein, Esq. Felstein & Associates P.A. 561-367-7770 555 S. Federal Hwy. #450 Boca Raton, FL 33432

DEFENDANTS

Spamhaus.org d/b/a The Spamhaus Project United Kingdom

County of Residence of First Listed (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. MAGISTRATE JUDGE

Attorneys (If Known)

JOHNSON

Palm Beach 9.03cv80295 DMM/RS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Preliminary Injunction and Tortious Interference and Privacy Claims.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY JUDGE DOCKET NUMBER

DATE 4/14/03 SIGNATURE OF ATTORNEY OF RECORD Mark E. Felstein FBN: 192139

FOR OFFICE USE ONLY RECEIPT # 527761 AMOUNT 15000 APPLYING IFP JUDGE MAG. JUDGE