

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NUMBER: 03-80295 CIV

JUDGE DONALD MIDDLEBROOKS

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

Plaintiff,

vs.

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.

**EMERGENCY EX-PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiff, EMARKETERSAMERICA.ORG, INC., a Florida Non Profit Corporation, by and through its undersigned Counsel, hereby files this Emergency Ex-Parte Motion For the issuance of a Temporary Restraining Order and Preliminary Injunction 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 DOTES; ADAM BROWER; and STEPHEN JOSEPH JARED a/k/a

RECEIVED
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
COURT CLERK'S OFFICE
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JOE JARED, jointly and severally, and as grounds therefore alleges as follows:

1. On April 14, 2003, this action was filed. Since that time a diligent effort has been made to serve the Defendants. The Defendants are avoiding service of process. See attached Return of Service for Defendant, RICHARD C. TIETJENS a/k/a MORLEY DOTES. All of the Defendants are involved in a conspiracy. That being the case, they received word of this suit and are avoiding service. However, upon information and belief all Defendants are aware of this lawsuit due to an exchange of the undersigned's receipt of emails from several of the Defendant's and their representatives. Attached hereto as Exhibit "B" is an email from Defendants, S. LINFORD and SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT, which would indicate that he is aware of this suit.

2. On April 22, 2003, Defendants, S. LINFORD and SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT, were served, but the paper has not returned to the undersigned's offices as of yet. On April 22, 2003, Defendants, S. LINFORD and SPAMHAUS.ORG d/b/a THE SPAMHAUS PROJECT, in their email correspondence to the undersigned, stated, "[l]et me know when you'll be coming over to London to file a real lawsuit under UK law, until then you spammers simply spin on my forefinger." From this exchange and other correspondences and postings cited below, it is clear that the Defendants will not appear before this Court and will avoid service of process.

3. The Defendants, have posted the entire lawsuit as filed on the internet by and through the Defendants Newsgroups. See the attached April 24, 2003 Google.com newsgroup postings of a "emarketersamerica.org" search attached hereto as Exhibit "C." While 236 results appeared, just in the first 7 results displayed, each result has multiple threads or communications and publications between the end user of this group. For example, Defendant, S. LINFORD's thread has currently

459 threads. Within that thread other Defendants have posted. The Defendants essentially have full notice of this lawsuit and the attempt of service through the process from this Court. Siad returns are forthcoming.

4. On April 23, 2003, Defendant, STEPHEN JOSEPH JARED a/k/a JOE JARED telephone the undersigned's office and left the following message on the undersigned's office answering machine, to wit: "This message is from Joe Jared to Emarketersamerica.org, Inc. Jurisdiction problem. Please go fuck yourself. Good-bye." Further, there have been four (4) threatening telephone calls from others, claiming to be defendants. There has been telephone calls to another Palm Beach attorneys office that the undersigned works with, but has nothing to do withy this matter, threatening him and his staff. Upon information and belief that telephone call was from RICHARD C. TIETJENS a/k/a MORLEY DOTES, who is avoiding service.

5. 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.

6. 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 including, but not limited to, ADELPHIA BUSINESS SOLUTIONS, QWEST COMMUNICATIONS CORPORATION, WORLDCOM, and X O COMMUNICATIONS, these are

the “upstream providers” as well as other contractual partners of the Plaintiff.

7. 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.

8. 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.

9. 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.

10. 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.

11. Plaintiff will suffer immediate and 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 and its industry will cease to exist. This will cause more Americans to become unemployed and destroy commerce.

12. There is a substantial likelihood of success on the merits of the Plaintiff’s claims.

13. Plaintiff has no adequate remedy at law and there is no plain, speedy and adequate remedy of law.

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

15. That the balance of equities favor the entry of a Temporary Restraining Order and Preliminary Injunction.

16. The issuance of a Temporary Restraining Order and Preliminary Injunction will serve the public interest and to prevent the likelihood of irreparable harm to the Plaintiff.

WHEREFORE, Plaintiff, EMARKETERSAMERICA.ORG, INC., demands the issuance of a Temporary Restraining Order and Preliminary Injunction:

A. Against 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. ordering CSL GMBH JOKER.COM to 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 Set a hearing on Plaintiff, EMARKETERSAMERICA.ORG, INC.'S application for a Preliminary Injunction no later than 45 days from the date hereof and, after that hearing, enter a Preliminary 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, maintaining, being a member of 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;

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.

FILED this 24th day of April, 2003.

I HEREBY CERTIFY that a true and correct copy of the foregoing will be mailed upon each and every named Defendant when found.

FELSTEIN & ASSOCIATES, P.A.
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Boca Raton, Florida 33432
(561) 367-7990 Phone
(561) 367-7980 Facsimile
mark@EMarketersAmerica.org

BY



Mark E. Felstein, Esq.
FBN: 192139

Subj: Hilarious "lawsuit"
Date: 4/22/2003 4:33:20 PM Eastern Standard Time
From: Steve Linford <linford@spamhaus.org>
To: mefels@aol.com
Sent from the Internet ([Details](#))

Hi there,

Regarding the hilarious "summons" you sent over to England, under the freshly-registered name "E marketersAmerica.org" (which I assume is ambulance chaser Mark E. Felstein plus convicted cocaine trafficker and convicted money launderer Eddy "penis extension" Marin), I'll have to stop laughing first before I can give you a response, and that'll take a very long time.

Fairly obviously, since you've forgotten to serve everyone else named, nobody will know to show up anywhere (maybe that's the idea). Let me know when you'll be coming over to London to file a real lawsuit under UK law, until then you spammers simply spin on my forefinger.

Sincerely,

--
Steve Linford
The Spamhaus Project
<http://www.spamhaus.org>

"A"

Caplan, Caplan and Kaye

Process Servers

CLIENT UPDATE / DUE DILIGENCE WORKSHEET

Date: 04/23/2003

To: MARK E. FELSTEIN, ESQ.

Fax # 561-367-7980

From: TO MARK

We are experiencing difficulty with the following document for service.

Affidavit # 01039488-001

Your Reference #:

Court Date:

Case Style &/or #: EMARKETERSAMERICA.ORG, INC.
vs THE SPAMHAUS PROJECT DBA SPAMHAUS.ORG,
03-80295-CIV-MIDDLEBROOKS

Person to be served: RICHARD C. TIETJENS AKA MORLEY DOTIS

1st Address: 19100 SW 125 CT
TUALATIN, OR

Problem : DEF IS AT GIVEN ADDRESS BUT PER RECEPTIONIST DEF TOLD HER THAT
HE WAS NOT GOING TO BE AVAILABLE SO IN OTHER WORDS HE IS

2nd address: *avoiding service.*

Problem :

3rd address:

Problem :

" B "

Caplan, Caplan and Kaye

Process Servers

The following has been checked:

Directory Assistance: N/L

City Directory: N/L

Current status of document:

- Holding, please contact our office with any additional information as to place of possible employment, possible second address or any other requests you may have.
- Have located a second address through research and will be attempting service. (Our fee for second service is \$_____, please notify)
- Found that subject has moved from the area, we will non-service and return.

Please contact our office if you have any question regarding this matter.



Advanced Groups Search Preferences Groups Help

emarketersamerica.org

Google Search

Web · Images · **Groups** · Directory · News ·
Related groups

[news.admin.net-abuse.email](#)

Searched Groups for **emarketersamerica.org**.

Results 1 - 7 of about **236**. Search took **1.13** seconds.

Sorted by relevance [Sort by date](#)

Re: **EmarketersAmerica.org**, Inc. Hilarious Lawsuit

<mark@**EmarketersAmerica.org**> (reason: 553 sorry, that domain isn't in my list of allowed rcpthosts (#5.7.1)) Now THAT had me off my chair! ...

[news.admin.net-abuse.email](#) - Apr 23, 2003 by Dave Platt - [View Thread \(209 articles\)](#)

Re: **Cartooney** in full

... Incredibly the whole thing relies solely on unknown damages caused to **EmarketersAmerica.org** due to Spamhaus and Spews blocking **EmarketersAmerica.org**. ...

[news.admin.net-abuse.email](#) - Apr 23, 2003 by Steve Linford - [View Thread \(459 articles\)](#)

[Media] E-Mail Marketers Sue Antispammers

[This seems to be the first article on the **Emarketersamerica.org** lawsuit that has actually gone out and interviewed the participants. ...

[news.admin.net-abuse.email](#) - Apr 24, 2003 by Chris Owen - [View Thread \(2 articles\)](#)

EMARKETERSAMERICA.ORG coming soon?

Did anyone care to visit **EMARKETERSAMERICA.ORG**? I get: "Coming Soon! **emarketersamerica.org** This page is parked FREE at Go Daddy!" Uh... ...

[news.admin.net-abuse.email](#) - Apr 23, 2003 by Chris \ (replace X with a) - [View Thread \(3 articles\)](#)

Re: [BLOCK] Eddy Marin

... 667933 Pompano Beach, Florida 33066 United States Registered through: Go Daddy Software (<http://www.godaddy.com>) Domain Name: **EMARKETERSAMERICA.ORG** Created on ...

[news.admin.net-abuse.email](#) - Apr 18, 2003 by McWebber - [View Thread \(16 articles\)](#)

[Media] Florida spammers sue anti-spam groups

... Under the newly-registered name **EmarketersAmerica.org**, a front set up by notorious spammer Eddy Marin's lawyer Mark E. Felstein, the suit seeks to force ...

[news.admin.net-abuse.email](#) - Apr 23, 2003 by Chris Owen - [View Thread \(1 article\)](#)

Full text for those that want it [Was] - Re: SLAPP: Preuf redders ...

... angles.] UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NUMBER: { 03-80295 } { CIV-MIDDLEBROOKS } **EMARKETERSAMERICA.ORG**, INC., { MAGISTRATE ...

[news.admin.net-abuse.email](#) - Apr 23, 2003 by Mark Ferguson - [View Thread \(2 articles\)](#)

In order to show you the most relevant results, we have omitted some entries very similar to the 7 already displayed.

If you like, you can repeat the search with the omitted results included.

"C"

emarketersamerica.org

Google Search

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