

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

E360INSIGHT, LLC,)	
an Illinois Limited Liability Company, and)	
DAVID LINHARDT, an individual)	
)	
Plaintiffs,)	06 CV 3958
)	
v.)	Judge Kocoras
)	
THE SPAMHAUS PROJECT,)	Magistrate Judge Brown
a company limited by guarantee and)	
organized under the laws of England, aka)	
THE SPAMHAUS PROJECT LTD,)	Jury Demanded
)	
Defendant.)	

**PLAINTIFF’S MOTION FOR RULE TO SHOW CAUSE FOR DEFANDANT’S
VIOLATION OF COURT’S ORDER OF
PERMANENT INJUNCTION**

Plaintiffs, e360Insight, LLC and David Linhardt (collectively Plaintiffs), by and through their attorneys, Synergy Law Group, LLC, respectfully requests that this court issue a rule to show cause why Defendant The Spamhaus Project, aka The Spamhaus Project Ltd., (Defendant), should not be held in contempt for its failure to comply with the Court’s Order of September 13, 2006 for Permanent Injunction. In support of this motion Plaintiffs state:

1. On September 13, 2006 this Court, issued an Order of Default Judgment and a Permanent Injunction against Defendant (the “Order”).
2. Defendant has not complied with the Order.
3. The judgment and order were communicated to Defendant by a variety of means and Defendant acknowledged the judgment and Order, including email directed to

counsel for Plaintiffs and making several statements to the press and within online newsgroups. See attached Group Exhibit A, quotations from Mr. Steve Linford, Director of Defendant.

4. Mr. Linford's responses are that Defendant is not required to comply with the Order, as Defendant is not subject to the jurisdiction of this Court.

5. Mr. Linford's claims with respect to jurisdiction are wholly without merit because Defendant appeared through its attorneys in this matter, removed the case to federal court, markets its business to ISP's in Illinois and elsewhere in the United States, committed torts against Plaintiff in Illinois, uses an Internet domain name registered in and governed by the laws of the United States, prints its prices on its website in US dollars, has its site hosted using computer servers in the United States, collects its money through a US sourced payment agent, and perhaps most importantly did not even contest jurisdiction over Defendant when appearing and subjecting Defendant to the Court's jurisdiction.

6. The failure to comply with the Order of the Court is continuing to wrongfully damage Plaintiffs, as at least 84,622 internet domains use Spamhaus technology to wrongfully block email sent by Plaintiffs.

7. On information and belief, Spamhaus earns revenue of approximately \$1,800,000 from the improper blocking of Plaintiffs' email messages (see Linhardt affidavit).

8. Plaintiffs respectfully request that a Rule to Show Cause be issued against Defendant for its failure to comply with the Order, specifically by Defendant's failure to take any action to comply with the Order in any way and flaunting its disregard for this Court and the court system of the United States.

9. As evidenced from the accompanying Affidavit of David Linhardt (attached as Exhibit B), Spamhaus has not complied with the Order and continues to cause damage to Plaintiffs.

10. Furthermore, as is shown by additional accompanying affidavits (attached as a group Exhibit C), Defendants over-reaching, overly-broad, and heavy handed tactics continue to be marketed and used in the United States and continue to interfere in the legitimate commerce of the United States.

11. By this Motion, Plaintiffs e360 and David Linhardt respectfully request that the Court issue a Rule to Show Cause why Defendant, The Spamhaus Project, aka The Spamhaus Project Ltd., should not be held in contempt for its failure to comply with the Order for Permanent Injunction entered by this Court.

12. Because Defendant has failed to comply with the Order, and because Defendant has made various statements indicating it will not comply with the Order, Plaintiffs respectfully request that Defendant's United States Internet domain name www.spamhaus.org be ordered to be suspended until such time as Defendant complies with the Order.

13. Further, should Defendant fail to comply with the Order within three (3) days from the date of entry hereof, Plaintiffs respectfully request that this Court order that accessing Defendant's technology within the United States to be improper and unlawful until such time as Defendant complies with the Order. Should such enforcement be necessary, Plaintiff respectfully requests: (a) that Plaintiff's attorneys be allowed to notify any ISP's known to be using Defendant's technology for the improper purposes and contrary to the Order – informing such ISP's of the improper nature of such continued use, and, if necessary, (b) grant Plaintiff leave to file an amended complaint within this action

to name any non-complying ISPs as additional defendants in this case, and further allowing Plaintiffs to seek an immediate TRO, without notice or bond, expedited discovery and an expedited hearing for a preliminary injunction against such non-complying ISP's.

14. The Court should also sanction Defendant The Spamhaus Project, aka The Spamhaus Project Ltd., in a manner deemed appropriate by the Court, including a per diem monetary sanction for each day of Defendant's continued non-compliance, for its failure to abide by the terms of the Court's Order.

Respectfully submitted,

E360Insight, LLC and David Linhardt

By: /s/ Joseph L. Kish
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2006 I electronically filed the foregoing document with the Clerk of the United States District Court for the Northern Division of Illinois using the CM/ECF system and served same by FedEx to:

The Spamhaus Project
Registered Office
Communications House
26 York Street
London, W1U 6PZ, England

And by U.S. Mail to:

Evan D. Brown
Andrew B. Cripe
Hinshaw and Culbertson
222 N. LaSalle
Suite 300
Chicago, Illinois 60601

And by electronic mail to: Steve Linford, linford@spamhaus.org

/s/ Joseph L. Kish

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