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7 Attorneys for Plaintiff Pallorium, Inc.  
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF ORANGE**

11  
12 PALLORIUM, INC., A Texas  
Corporation,

13 Plaintiff,  
14

15 vs.

16 STEPHEN J. JARED, also known JOE  
17 JARED, individually, and doing business as  
OSIRUSOFT RESEARCH AND  
18 ENGINEERING and OSIRUSOFT; and  
19 DOES 1 to 50, inclusive,

20 Defendants.  
21

) Case No.: 03CC12794

)  
) Plaintiff's First Demand For Production of  
) Documents and Tangible Things

) Propounding Party: Plaintiff  
) Pallorium, Inc.

) Responding Party: Defendant  
) Stephen J. Jared, etc.

) Set No.: One  
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)

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1 Plaintiff requests that defendant STEPHEN J. JARED, also known JOE JARED,  
2 individually, and doing business as OSIRUSOFT RESEARCH AND ENGINEERING and  
3 OSIRUSOFT (hereinafter "Jared", "YOU" or "YOUR") serve responses and produce the  
4 documents or categories of documents or tangible things described below for inspection,  
5 examination, and copying within the time specified by law (30 days after service of this  
6 document demand, plus 5 for mail service, e. g. May 25, 2004 at 10:00 a.m.), at the Law  
7 Offices of Law Office of Gary Kurtz 20335 Ventura Blvd., Suite 200, Woodland Hills, CA  
8 91364.  
9  
10

11 Compliance will be deemed sufficient with respect to said request, insofar as  
12 requested writings as defined by California Evidence Code § 250 are concerned, deposited  
13 true and correct verified copies of the foregoing documents in the United States Mail,  
14 postage pre-paid, addressed to: Gary Kurtz at above address on or before the 35<sup>th</sup> day from  
15 the date of service. Originals will be examined and reproduced and promptly returned.  
16

17 In the event that responding party intends to withhold productions of any documents  
18 or tangible thing requested herein on the basis of a privilege, responding party is required  
19 under provisions of California Code of Civil Procedure §2031 to identify each such  
20 document or tangible thing by date, title, or other complete description. Additionally,  
21 responding party is required to sufficiently identify such document or tangible thing for  
22 purposes of a motion to compel.  
23  
24

25 This request is made on the ground that all of the things and evidence sought are  
26 relevant and non-privileged to the subject matter of this action. Additionally, said request is  
27 reasonably calculated to lead to the discovery admissible evidence.  
28

## Definitions and Instructions

1. Words completely capitalized are defined as follows:

a. "YOU and YOUR" include defendant STEPHEN J. JARED, also known JOE JARED, individually, and doing business as OSIRUSOFT RESEARCH AND ENGINEERING and OSIRUSOFT, your co-workers, your partners, your agents, employees, insurance companies, attorneys, accountants, investigators, and their agents and employees, as well as anyone else acting on your behalf.

b. "DOCUMENT" and "DOCUMENTS" mean all writings, originals and duplicates, as defined in California Evidence Code §§ 250, 255, and 260, whether in draft or otherwise, including copies and nonidentical copies (whether different from the originals due to notes or marks made on or attached to said copies, or otherwise).

c. "RELATE TO", "RELATED TO", and "RELATING TO" as used herein shall be construed to include "refer to" "summarize", "reflect", "constitute", "contain", "embody", "mention", "show", "comprise", "evidence", "discuss", "describe", or "comment upon."

2. In producing documents, you will be required to furnish all documents in your custody or control, regardless of whether such documents are possessed directly by you or by your directors, officers, agents, employees, representatives or investigators, or by your attorneys or their agents, employees, representatives or investigators.

3. If you object to the production of any documents or things, please set forth specifically the nature of your objection. If the objection is based upon an alleged privilege

1 against disclosure of the documents requested, please submit a list identifying each  
2 allegedly privileged document as to: (a) form (i.e., letter, memorandum, etc.); (b) date; (c)  
3 author; (d) recipient(s); and (e) general subject matter. In addition, please identify the  
4 privilege asserted with respect to each such document or thing.  
5

6 4. The conjunctions "and" and "or" are used in both the conjunctive and the  
7 disjunctive senses. In responding to any particular request, you should construe the  
8 conjunctions in the sense that will call for the most information.  
9

#### 10 **Request for Documents**

11  
12  
13 1. Any and all DOCUMENTS RELATING TO YOUR e-mail service.  
14

15 2. Any and all DOCUMENTS RELATING TO the obstruction of the delivery  
16 of e-mail correspondence from certain e-mail servers that YOU list on their "blacklists."  
17

18 3. Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
19 believed allowed SPAM e-mail to be transmitted during June 2003.

20 4. Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
21 believed allowed SPAM e-mail to be transmitted during July 2003.

22 5. Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
23 believed allowed SPAM e-mail to be transmitted during August 2003.  
24

25 6. Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
26 believed allowed SPAM e-mail to be transmitted during September 2003.  
27  
28

1           7.     Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
2 believed allowed SPAM e-mail to be transmitted during October 2003.

3           8.     Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
4 believed allowed SPAM e-mail to be transmitted during November 2003.

5           9.     Any and all DOCUMENTS RELATING TO lists of mail servers that YOU  
6 believed allowed SPAM e-mail to be transmitted during December 2003.

7           10.    Any and all DOCUMENTS RELATING TO the distribution of the  
8 "blacklists" from YOUR service to Internet Service Providers ("ISPs").

9           11.    Any and all DOCUMENTS RELATING TO income YOU received from  
10 YOUR service that distributed lists of mail servers that YOU believed allowed SPAM e-  
11 mail to be transmitted.

12           12.    Any and all DOCUMENTS RELATING TO expenses YOU incurred from  
13 YOUR service that distributed lists of mail servers that YOU believed allowed SPAM e-  
14 mail to be transmitted.

15           13.    Any and all DOCUMENTS RELATING TO YOUR business structure (e.g.,  
16 corporate formation documents, fictitious business name filings, etc.).

17           14     Any and all DOCUMENTS YOU sent to ISPs that ever received YOUR lists  
18 of mail servers that YOU believed allowed SPAM e-mail to be transmitted.

19           15     Any and all DOCUMENTS YOU received from ISPs that ever received  
20 YOUR lists of mail servers that YOU believed allowed SPAM e-mail to be transmitted.

1           16. Any and all DOCUMENTS YOU received from January 1, 2003 to the  
2 present complaining about any aspect of YOUR service that distributed lists of mail servers  
3 that YOU believed allowed SPAM e-mail to be transmitted.  
4

5           17. Any and all DOCUMENTS RELATING TO the accuracy of any document  
6 received from January 1, 2003 to the present complaining about any aspect of YOUR  
7 service that distributed lists of mail servers that YOU believed allowed SPAM e-mail to be  
8 transmitted.  
9

10           18. Any and all DOCUMENTS responding to any document received from  
11 January 1, 2003 to the present complaining about any aspect of YOUR service that  
12 distributed lists of mail servers that YOU believed allowed SPAM e-mail to be transmitted.  
13

14           19. Any and all DOCUMENTS RELATING TO methods to contact YOU to  
15 object to the inclusion of a mail server on any of YOUR lists of mail servers that YOU  
16 believed allowed SPAM e-mail to be transmitted.  
17

18           20. Any and all DOCUMENTS RELATING TO errors in YOUR service during  
19 2003, whereby genuine SPAM servers are not listed on the "blacklists."  
20

21           21. Any and all DOCUMENTS RELATING TO errors in YOUR service during  
22 2003, where desired mail is obstructed because non-SPAM web are incorrectly listed on the  
23 "blacklists".  
24

25           22. Any and all DOCUMENTS RELATING TO peoplefinder.net.  
26

27           23. Any and all DOCUMENTS RELATING TO Pallorium, Inc.  
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          23. Any and all DOCUMENTS RELATING TO Steven Rambam.

1           24. Any and all DOCUMENTS RELATING TO times when YOUR webpage's  
2 link for complaints about improper "blacklisting" was not operational.

3           25. Any and all DOCUMENTS RELATING TO reasons why YOUR webpage's  
4 link for complaints about improper "blacklisting" was not operational.  
5

6           26. Any and all DOCUMENTS RELATING TO times when YOUR webpage's  
7 link for complaints about improper "blacklisting" was not monitored.

8           27. Any and all DOCUMENTS RELATING TO reasons why YOUR webpage's  
9 link for complaints about improper "blacklisting" was not monitored.  
10

11           28. Any and all DOCUMENTS RELATING TO times when YOU were not  
12 available to receive complaints about improper "blacklisting."


13           29. Any and all DOCUMENTS RELATING TO the reasons why YOU were not  
14 available to receive complaints about improper "blacklisting."  
15

16           30. Any and all DOCUMENTS RELATING TO efforts YOU made to verify that  
17 peoplefinder.net should be included on one or more of your "blacklists."

18           30. Any and all DOCUMENTS RELATING TO efforts YOU made to verify that  
19 peoplefinder.net should not be removed from your "blacklists" after receiving complaints  
20 about its inclusion.  
21

22  
23 Dated: April 19, 2004

**Law Office of Gary Kurtz**  
A Professional Law Corporation

24  
25  
26 By:   
27 Gary Kurtz, Esq.  
28 Attorney for Plaintiff

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