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DANIEL L. BALSAM

ENDORSED Santa Clara
02/11/08 12:23pm
Kiri Torre
Chief Executive Office
By: Juditha DISCIVOL
#20080001150
TL #320.00
Case: 1-06-CV-066259

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

10 **COUNTY OF SANTA CLARA (UNLIMITED JURISDICTION)**

11 DANIEL L. BALSAM,) Case No.: 1-06-CV-066259
12)
13 Plaintiff,) **STIPULATED JUDGMENT OF COURT**
14) ***NUNC PRO TUNC***
15 v.)
16 TLM ENTERPRISES GROUP, INC., *et al.*,)
Defendants.)

- 17 1. Defendant TLM ENTERPRISES GROUP, INC. was properly served with a copy of the
18 summons and complaint.
- 19 2. Defendant TLM ENTERPRISES GROUP, INC. failed to appear and defend the action
20 within the time allowed by law.
- 21 3. Judgment was entered by the Court upon plaintiff's application.
- 22 4. The parties stipulate to amend the judgment as follows:
- 23 5. Judgment is for Plaintiff DANIEL L. BALSAM and against Defendant TLM
24 ENTERPRISES GROUP, INC.
25

1 6. Defendant TLM ENTERPRISES GROUP, INC named in item 5 above may satisfy the
2 judgment by paying \$ 2,500.00 (US) before October 31, 2007, with 10% interest per
3 annum accruing from the original date of entry of judgment.

4 7. Defendant TLM ENTERPRISES GROUP, INC. sent unsolicited commercial email
5 advertising.
6

7 8. Defendant TLM ENTERPRISES GROUP, INC. intentionally created multiple domain
8 and sent unsolicited commercial emails from these multiple domain names with the
9 express intent of avoiding spam filters, many of which use the sending domain name as
10 an indicator of unsolicited commercial email. Defendant TLM ENTERPRISES GROUP,
11 INC. understood that sending unsolicited commercial email from multiple domain names
12 signals to recipients and Internet Service Providers, and their spam filters, that multiple
13 entities sent the unsolicited commercial email messages, when in fact all unsolicited
14 commercial emails were sent by the singular entity, Defendant TLM ENTERPRISES
15 GROUP, INC. Defendant knew sending unsolicited commercial email from multiple
16 domain names would result in misrepresented and misleading headers in those email
17 messages in violation of California Business & Professions Code §§ 17529 and 17529.5.
18

19 9. Defendant TLM ENTERPRISES GROUP, INC. is hereby enjoined for purposes the
20 Unfair Business Practices Act and the Unfair Advertising Practices Act and required to
21 henceforth use only a single domain name and a single Internet Protocol address when
22 sending email advertising.
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WALTON & ROESS LLP

Date: 1-7-08

By: Timothy Walton
Timothy Walton
Attorneys for Plaintiff DANIEL L. BALSAM

TLM ENTERPRISES GROUP, INC.

Date: 1/2/08

By: Scott Carrabis
Scott Carrabis
President

IT IS SO ORDERED, ADJUDGED AND DECREED.

Date: JAN 15 2008

JAMES C. EMERSON
Judge of the Superior Court