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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Case No. CV811428

v.

**PAUL WILLIS, CLAUDIA GRIFFIN, PW
MARKETING LLC, and DOES 1-100 inclusive,**

Defendants.

**COMPLAINT FOR
INJUNCTION, CIVIL
PENALTIES AND OTHER
EQUITABLE RELIEF**

Plaintiff, the People of the State of California, by and through Bill Lockyer, Attorney

General of the State of California, is informed and believes and on that information and belief
alleges the following:

THE PARTIES

1. Defendants transact business in Santa Clara County and elsewhere throughout the
State of California. The violations of law alleged in this complaint have been and are being
carried out within Santa Clara County and elsewhere throughout the state.

2. Defendant PW MARKETING LLC (hereinafter "PW MARKETING") is a
California limited liability company which does business in Santa Clara County and throughout the
State of California.

3. Defendants PAUL WILLIS and CLAUDIA JEAN GRIFFIN are (or were at all times relevant to this complaint) the owners and/or managers of PW MARKETING, and have directed and controlled the activities of PW MARKETING.

4. DOES 1 - 100, whose true names and capacities are presently unknown to plaintiff, are individuals and/or business entities who, have singly and/or jointly, managed and controlled the affairs of PW MARKETING or committed, authorized, aided, abetted, advised or encouraged the acts alleged in this complaint. These individuals and/or business entities are therefore sued in this complaint as defendants under the fictitious names of DOES 1 - 100, inclusive, and plaintiff will amend this complaint to show the true names of each when the same have been ascertained.

5. Whenever in this complaint reference is made to any act of defendant PW MARKETING, that allegation shall be deemed to mean that PW MARKETING and its officers, directors, agents, employees or representatives committed, authorized, aided, abetted, advised or encouraged the acts alleged while actively engaged in the management, direction or control of the affairs of PW MARKETING and while acting within the scope and course of their duties.

6. Whenever reference is made in this complaint to any act of defendants, that allegation shall be deemed to mean the act of each defendant acting individually and jointly.

7. Whenever in this complaint reference is made to any act of any individual defendant, including DOES 1 - 100, that allegation shall be deemed to mean that said defendant committed, authorized, aided, abetted, advised or encouraged the acts alleged (a) as a principal, (b) under express or implied agency, or (c) with actual or ostensible authority to perform the acts so alleged.

FIRST CAUSE OF ACTION

For Violations of Business and
Professions Code Section 17538.4 (Unsolicited Commercial E-mail)

Against All Defendants

8. Plaintiff realleges and incorporates by reference paragraphs 1 through 7 of this complaint as though set forth fully herein.

1 9. Defendants are in the business of sending large volumes of electronic mail
2 (hereinafter "e-mail") to promote their products or services.

3 10. One recently broadcast e-mail consisted of the following (with the names and
4 e-mail addresses of the recipients redacted to protect their privacy):

5
6 From: Sandra
7 To: [REDACTED]
8 Cc: [REDACTED]
9 Sent: Sunday, September 08, 2002 5:21 PM
10 Subject: Has She Contacted You Yet25058

11 Many people have made large amounts of money using
12 Bulk Email. Bulk Email is an incredibly affordable
13 form of LEGAL Advertising allowing a person to sell
14 products or services to over 300 million people world-
15 wide from their home Computer.

16 With a home computer the bulk e-mailer can send out
17 50 Million Pieces of mail that could realistically cost
18 \$12,500,000 using the US Post Office.

19 HOW?

20 By purchasing the amazing new book everybody is talking
21 about "Guide To The Professional Bulk Email Business".
22 This book contains everything the Anti Commerce Radicals
23 DON'T WANT YOU TO KNOW about how to and how not to
24 advertise via BULK E-MAIL.

25 This Book Explains Exactly how Bulk Email operates. The
26 author has 8 years of Bulk Email Advertising experience.

27 If you have intentions of Marketing your Product or Service
28 Via the Internet THIS IS THE MOST IMPORTANT BOOK YOU WILL
EVER READ. Regardless of how you may feel about this form
of advertising, IT WORKS. The Introduction Cost during our
initial marketing test is \$39.00, but the value of the
information contained within can be worth hundreds of
thousands of dollars depending on your ambitions and goals.

 Don't hesitate!

 Order NOW, during this marketing test promotion.

 You will receive an email, within 24 hrs of receipt of your
Payment, containing a down-load site where you will be able
to download the book immediately. If you would prefer
receiving your book on CD Rom, you will need to add
Shipping & Handling charges. Your CD Rom will be shipped
via Priority mail within 48 hours.

1 You can Keep floundering with Search Engines, Banner Ads,
2 and Internet Classifieds or spend \$39.00 and Market Your
Business With Something That WORKS.

3 The "Guide to The Professional Bulk Email Business"
4 contains detailed information on the following subjects:

5 >> Introduction to bulk email
6 >> Definition of bulk email
7 >> Legal and political issues
8 >> How does bulk email work
9 >> All about Email Addresses
10 >> What are Targeted lists?
11 >> Don't be deceived by targeted lists
12 >> Transmission speed
13 >> Address seeding
14 >> Multiple isp connections
15 >> Cloaking or stealthing capabilities
16 >> Email headers
17 >> Headers and complaints
18 >> Bulk email in the old days
19 >> Anonymous servers
20 >> Email blocking
21 >> Outgoing blocking
22 >> Relay server blocking
23 >> Bulk email friendly isp's
24 >> What is a backbone
25 >> Email marketing
26 >> What products sell the best via email
27 >> Web sites & email
28 >> Web sites and search engine positioning
>> Telephone sales
>> Fax on demand
>> Auto responders
>> Email response
>> Domain names
>> Accepting payment
>> Credit cards
>> Credit card safeguards
>> Foreign credit card processors
>> Credit card alternatives
>> Checks by US Mail
>> Checks by fax phone or email
>> Electronic funds transfer
>> Cod orders
>> The future of bulk email
>> Suggestions
>> Anti spam sites (see what the other side is up to)

By accepting and or reading this book you agree to hold
the author, seller, reseller, distributor(s) And their agents
harmless from any monetary or other damages directly
or indirectly relating to the Material contained in this

1 book and/or the practice of any activity contained or
2 described in this book.

3 *****ORDERING INFORMATION*****

4 We accept VISA, MC, Discover, Checks-by-Fax or mail
5 and Money Orders.

6 TO ORDER, simply fill out the EZ ORDER FORM Below and
7 Fax it to 1-661-244-4903

8 *****EZ ORDER FORM*****

9 Yes! I would like to order the
10 "GUIDE TO THE PROFESSIONAL BULK EMAIL BUSINESS"
11 for the Introductory price of \$39.00.

12 Place your order TODAY with a faxed check or credit card
13 info and you can download your Guide Book TOMORROW!

14 If you would prefer to have your order shipped on CD Rom,
15 please add applicable S&H charges as listed below:

16 For Domestic orders add \$5.50 for S&H:

17 $\$39.00 + \$5.50 = \$44.50$ total.

18 For Intl orders add \$25.00 for S&H:

19 $\$39.00 + \$25.00 = \$64.00$ total.

20 If faxing, complete the form below and then fax it to:
21 1-661-244-4903.

22 * Please check one of the following payment options:

23 ☐ I am faxing or emailing an image of my check (Do not
24 send original, we will make a draft from the faxed check).
25 Attach completed check to the bottom of this form.

26 ☐ I am faxing my credit card number and information.

27 CREDIT CARD: ___ Visa ___ MC ___ Discover___

28 Issuing Bank: _____

Cardholder's Name: _____

Credit Card Number: _____

Expiration Date: _____ CVC#: _____
(The CVC # is the 3 digit security code on the back of your
credit card)

Authorized Amount to be charged to Credit Card is: \$_____
Please add applicable S&H charges as listed below if you

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would like your Guide Book on CD Rom.
For Domestic orders add \$5.50 for S&H:
 $\$39.00 + \$5.50 = \$44.50$ total.
For Intl orders add \$25.00 for S&H:
 $\$39.00 + \$25.00 = \$64.00$ total.

To protect against fraud, we only ship to the address
listed on the credit card.

Credit Card Billing Address:
REQUIRED!

Address: _____

City: _____

State / Zip: _____

Phone #: _____
(For problems with your order only.)

Email Address: _____

Signature: _____

Date: _____

NOTE: If you prefer, you can mail this order form (with
either a check, money order or credit card info) to the
following address:

PW MARKETING LLC
18565 Soledad Canyon Rd., Ste. 204
Canyon Country, CA 91387-1797

SIGNATURE: _____
(Required)

Once opened, the CDs may not be returned, however, if found
defective they will be replaced with like product at no
additional charge.

DATE: _____

*****24 HOUR FAX SERVICES*****

Please attach your check here and fax it to us at:
1-661-244-4903. Make all checks payable to:
"PW MARKETING LLC". There is no need for you to send
the original check. Please use "fine" setting on fax.

To be deleted from our mailing list please send us a email

1 by clicking on the link below or copy and paste it in your
2 browser. MailTo:pwmarket6743@yahoo.com?subject=remove-me

3 Please put REMOVE in the subject line.

4 11. Defendants send and have sent similar e-mails to the e-mail addresses of persons in
5 Santa Clara County and elsewhere in California with whom defendants had no existing business or
6 personal relationship, and who had neither requested nor consented to receive commercial e-mail
7 from defendants.

8 12. Defendants send and have sent such e-mail without first establishing a toll-free
9 telephone number which recipients of their e-mails could use to notify defendants not to send
10 further unsolicited e-mails.

11 13. Defendants send and have sent such e-mails without valid sender operated return
12 e-mail addresses operated by defendants which recipients of their e-mails could use to notify
13 defendants not to send further unsolicited e-mails.

14 14. Defendants send and have sent their e-mails to California residents who have
15 received those e-mails in Santa Clara County and elsewhere in California via an electronic mail
16 service provider's equipment located in California.

17 15. The subject lines of defendants' e-mails do not begin with the four characters
18 "ADV:".

19 **SECOND CAUSE OF ACTION**

20 For Violations of Business and Professions Code Section 17538.5
21 (Failure to disclose true address in advertising)

22 Against All Defendants

23 16. Plaintiff realleges and incorporates by reference paragraphs 1 through 15 of this
24 complaint as though set forth fully herein.

25 17. Defendants conduct and have conducted business in this state by selling or offering
26 for sale consumer goods or services, using a post office box address, a private mailbox receiving
27 service, or a street address representing a site used for the receipt or delivery of mail, but have
28 failed to disclose in all advertising and promotional materials the complete street address from

1 which business is actually conducted.

2 18. Defendants have not submitted a United States Postal Service Form 1583 in the
3 name of PW Marketing LLC that shows any of the defendants' current addresses. Defendants
4 have not executed acknowledgment forms in compliance with Business & Professions Code
5 Section 17538.5, subd. (f).

6 **THIRD CAUSE OF ACTION**

7 For Violations of Business and Professions Code Section 17538
8 (Acceptance of Payment Without Required Disclosures)

9 Against All Defendants

10 19. Plaintiff realleges and incorporates by reference paragraphs 1 through 18 of this
11 complaint as though set forth fully herein.

12 20. Defendants conduct and have conducted business through the Internet and
13 accepted payment from buyers located in California without first disclosing the street address
14 from which defendants' business is actually conducted.

15 **FOURTH CAUSE OF ACTION**

16 For Violations of Business and Professions Code Section 17500
17 (Untrue or Misleading Statements)

18 Against All Defendants

19 21. Plaintiff realleges and incorporates by reference paragraphs 1 through 20 of this
20 complaint as though set forth fully herein.

21 22. Defendants, with the intent to induce members of the public to order products or
22 services from defendants, have in violation of Business and Professions Code section 17500, made
23 untrue or misleading representations before the public in the State of California. Such
24 representations include, but are not necessarily limited to, the following examples:

25 A. Defendants send and have sent e-mail solicitations which claimed to have
26 originated from an e-mail address which was neither the e-mail address from which the
27 e-mail was actually sent nor an e-mail address at which replies could be received.

28 B. Defendants send and have sent e-mail solicitations which included false

1 information about the Internet mail server from which the e-mail solicitation were sent.

2 C. Defendants' e-mail solicitations include and have included information that
3 falsely represents the country from which the e-mail solicitations originated.

4 **FIFTH CAUSE OF ACTION**

5 For Violations of Business and Professions Code
6 Section 17200 (Acts of Unfair Competition)

7 Against All Defendants

8 23. Plaintiff realleges and incorporates by reference paragraphs 1 through 22 of this
9 complaint as though set forth fully herein.

10 24. Defendants have engaged and continue to engage in the following, among other,
11 acts of unfair competition, as defined in Business and Professions Code section 17200, in that:

12 A. Defendants have violated and continue to violate Business and Professions
13 Code section 17538.4 as alleged in paragraphs 8-15 above of the First Cause of Action,
14 which paragraphs are incorporated herein by this reference as though set forth in full.

15 B. Defendants have violated and continue to violate Business and Professions
16 Code section 17538.5 as alleged in paragraphs 16-18 above of the Second Cause of
17 Action, which paragraphs are incorporated herein by this reference as though set forth
18 in full.

19 C. Defendants have violated and continue to violate Business and Professions
20 Code section 17538 as alleged in paragraphs 19-20 above of the Third Cause of Action,
21 which paragraphs are incorporated herein by this reference as though set forth in full.

22 D. Defendants have violated and continue to violate Business and Professions
23 Code section 17500 as alleged in paragraphs 21-22 above of the Fourth Cause of
24 Action, which paragraphs are incorporated herein by this reference as though set forth
25 in full.

26 E. Defendants have, as alleged in paragraphs 22(A)-(C) above, which
27 paragraphs are incorporated herein by this reference as though set forth in full,
28 disseminated false statements about the e-mail addresses, Internet mail servers and

1 countries from which their e-mail solicitations originated, thereby engaging in unlawful,
2 unfair or fraudulent business acts or practices and unfair, deceptive, untrue or
3 misleading advertising.

4 F. Defendants have used and continue to use open relays to send their e-mail
5 solicitations, in violation of Penal Code section 502, by knowingly accessing and
6 without permission using the computers, computer systems or computer networks of
7 other persons to either devise or execute a scheme or artifice to defraud, deceive, or
8 extort, or to wrongfully control or obtain money, property or data, and by knowingly
9 and without permission introducing computer contaminants into the computers,
10 computer systems or computer networks of other persons.

11
12 WHEREFORE, Plaintiff prays that:

13 1. An injunction be issued pursuant to Business and Professions Code sections 17203
14 and 17535 restraining and enjoining defendants, and each of them, and all those acting under, by,
15 through or on behalf of them, from engaging in or performing directly or indirectly, any or all of
16 the following:

17 A. Making any of the misrepresentations set forth in paragraph 22 or making any
18 other misrepresentations;

19 B. Engaging in any of the acts of unfair competition described in paragraph 24
20 or any other act of unfair competition.

21 2. Pursuant to Business and Professions Code section 17536, defendants and each of
22 them, be assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500) for each
23 violation of Business and Professions Code sections 17500, 17538, 17538.4 and 17538.5 as
24 proved at trial, but in an amount of not less than one million dollars (\$1,000,000.00).

25 3. Pursuant to Business and Professions Code section 17206, defendants and each of
26 them, be assessed a civil penalty of Two Thousand Five Hundred dollars (\$2,500) for each act of
27 unfair competition in violation of Business and Professions Code section 17200 as proved at trial,
28 but in an amount of not less than one million dollars (\$1,000,000.00).

1 4. That plaintiff be given such other and further relief as the nature of this case may
2 require and that this court deems proper to fully and successfully dissipate the effects of the
3 untrue and misleading representations and the unlawful and unfair acts complained of in this
4 complaint.

5 8. For costs of suit incurred herein.

6 Dated: September 26, 2002

7 BILL LOCKYER
8 Attorney General

9 HERSCHEL T. ELKINS
10 Senior Assistant Attorney General

11 MARGARET REITER
12 Deputy Attorney General

13 **IAN K. SWEEDLER**
14 Deputy Attorney General
15 Attorneys for Plaintiff