

*Michèle & Steven Kirsch  
13930 La Paloma Road  
Los Altos Hills, California 94022*

March 12, 2004

Leroy Block  
1584 Lexington St  
Santa Clara, CA 95050  
San Jose, CA

Dear Mr. Block:

I am writing to you regarding the unsolicited faxes that have been sent to me over the last two years from the fax.com faxcaster computer located in your home. All of these faxes were sent to me without my express consent, invitation, or permission.

Federal law entitled the Telephone Consumer Protection Act (the "TCPA") 47 U.S.C section 227 makes it illegal to use any fax machine, computer or other device to send an unsolicited advertisement via fax. The TCPA also provides that a person who sends (or is involved in sending) an advertisement by fax is liable for \$500 minimum in statutory remedy for each violation. If the court finds that you acted willfully or knowingly (regardless of your knowledge of the law) the court may triple the damages of the award to \$1500 per violation. Your phone bills will demonstrate to the court that you qualify on both counts: knowingly and willingly, even though only one is required.

In the past two years I have received over 200 faxes from your outgoing fax numbers, which entitles me to a minimum remedy of at least \$100,000 and potentially as much as \$300,000 from either you or Robert Battaglia.

In our conversation last night, I offered to reduce the number of faxes I will pursue against you if you were willing to disconnect the faxcaster immediately and assist me in my case against Robert Battaglia. In response, you questioned my veracity.

As a result of our conversation, I have decided to begin the litigation process with the attached fax which you sent me on Thursday, January 08, 2004 at 5:30 PM. I will also be sending you a subpoena to produce your phone records for each of the outgoing phone numbers used by the faxcaster in your home in order to show the court that you send these faxes out both knowingly and willingly. In addition, I have an affidavit signed by Robert Battaglia, admitting to managing the faxcaster used in your home that is used for fax broadcasting.

In order to expedite this matter and save my time, your time and the court's time, I am willing to settle this one particular fax out of court for \$400 provided I receive payment from you within 10 days.

Sincerely,



Steven T. Kirsch

# Finally...



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