

Steve Kirsch
13930 La Paloma Rd.
Los Altos Hills, Ca 94022

August 27, 2003

Patrick Fairon
Fairon & Associates
3152 Red Hill Avenue
Suite 100
Costa Mesa, Ca 92626

Dear Mr. Fairon,

I am writing to you regarding the recent unsolicited facsimile ("junk fax") sent to me from Fairon and Associates. This fax (a sample attached for your reference) was 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(b)(1) makes it ILLEGAL to use any fax machine, computer, or other device to send an unsolicited advertisement to a fax machine. The TCPA also provides that a person who sends an advertisement by fax (by 3rd party or otherwise) is liable for \$500 in statutory remedy for each fax sent without the recipient's express permission. If the court finds that the defendant acted willfully and knowingly (as indicated by the attachment of your fax) the court may triple the damages of the award to \$1500 per violation.

Your company has violated the TCPA and you are now liable to pay a statutory remedy up to the maximum of \$1500 per violation. To date, I have received one fax with your advertisement.

Violation of this statute is taken quite seriously by the Small Claims Court of Santa Clara County, which would have jurisdiction over this matter. Recent rulings have awarded judgments for the plaintiff in similar cases. I have attached two recent judgments that I was involved in for your review.

To save us both time and effort, I am willing to settle this case for a remedy of \$750 based on your one documented violation. If you wish to avoid litigation, please send me payment of \$750 to the address listed above no later than September 10, 2003. If I do not receive payment by September 10, 2003, I will file a lawsuit for the full \$1500(triple remedy) plus expenses for the illegal fax.

You should also know that I am one of the world's leading experts on the TCPA. I filed the world's largest class action lawsuit against fax.com last year. I also created and maintain the junkfax.org website which is the best resource on the Internet regarding junk faxes. I've never lost any court cases regarding unsolicited faxes.

I look forward to hearing from you.

Sincerely,

Steve Kirsch

5004 4095
E0E2 2302
5000 0990
0902 2002

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

COSTA MESA CA 92626

Postage	\$ 0.83	
Certified Fee	\$ 2.30	
Return Receipt Fee (Endorsement Required)	\$ 0.00	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 3.13	

Sent To Patrick Fairon #100

Street, Apt. No.;
or PO Box No. 3152 RED HILL AVE

City, State, ZIP+4 Costa Mesa, Ca 92626

PS Form 3800, April 2002 See Reverse for Instructions

**— NOTICE TO DEFENDANT —
YOU ARE BEING SUED BY PLAINTIFF**

To protect your rights, you must appear in this court on the trial date shown in the table below. You may lose the case if you do not appear. The court may award the plaintiff the amount of the claim and the costs. Your wages, money, and property may be taken without further warning from the court.

**— AVISO AL DEMANDADO —
A USTED LO ESTAN DEMANDANDO**

Para proteger sus derechos, usted debe presentarse ante esta corte en la fecha del juicio indicada en el cuadro que aparece a continuación. Si no se presenta, puede perder el caso. La corte puede decidir en favor del demandante por la cantidad del reclamo y los costos. A usted le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de esta corte.

PLAINTIFF/DEMANDANTE (Name, street address, mailing address, and telephone number of each):

Steve Kirsch
13930 La Paloma Rd.
Los Altos Hills ca 94022
Telephone No.: 650-941-0248

DEFENDANT/DEMANDADO (Name, street address, mailing address, and telephone number of each):

Patrick Fairon - Agent
Fairon + Associates
3152 RED HILL AVENUE
Telephone No.: Suite 100
Costa Mesa, Ca 92626
800-494-0919

Telephone No.: _____

Fict. Bus. Name Stmt. No. Expires: _____

Telephone No.: _____

See attached sheet for additional plaintiffs and defendants.

PLAINTIFF'S CLAIM

- a. Defendant owes me the sum of: \$ 1500.00, not including court costs, because (describe claim and date):
JunkFax was sent to Plaintiff's home fax without Plaintiff's Express Prior Consent. JunkFax sent by defendant. 4-4-03
- b. I have had an arbitration of an attorney-client fee dispute. (Attach Attorney-Client Fee Dispute form (see form SC-101).)
- This claim is against a government agency, and I filed a claim with the agency. My claim was denied by the agency, or the agency did not act on my claim before the legal deadline. (See form SC-150.)
- a. I have asked defendant to pay this money, but it has not been paid.
- b. I have NOT asked defendant to pay this money because (explain):
- This court is the proper court for the trial because (In the box at the left, insert one of the letters from the list called "Venue Table" on page 3. If you select D, E, or F, specify additional facts in this space):
Judicial district. JunkFax from defendant sent to Plaintiff's home. Plaintiff lives in this home.
If known, please give the zip code for the location of the letter you put in the box (zip code):
- I have have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
- I have have not filed more than 12 small claims, including this claim, during the previous 12 months.
- I understand that
 - I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
 - I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
 - I have no right of appeal on my claim, but I may appeal a claim filed by the defendant in this case.
 - If I cannot afford to pay the fees for filing or service by a sheriff or marshal I may ask that the fees be waived.
- I have received and read the information sheet (form SC-150) explaining some important rights of plaintiffs in the small claims court.
- No defendant is in the military service except (name):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9-24-03

Steve Kirsch

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF)

ORDER TO DEFENDANT

You must appear in this court on the trial date and at the time LAST SHOWN IN THE BOX BELOW if you do not agree with the plaintiff's claim. Bring all witnesses, books, receipts, and other papers or things with you to support your case.

TRIAL DATE FECHA DEL JUICIO	DATE	DAY	TIME	PLACE	COURT USE
1.	11/20/03	Thurs	1:00PM	Dept 86, 270 Grant Ave. Palo Alto, CA	
2.					
3.					

Filed on (date): 9/24/03

Clerk, by _____, Deputy

— The county provides small claims advisor services free of charge. Read the information on the reverse. —

STILL WAITING?

RATES won't get better than this!
PROTECT your money!



Fixed Rates
as low as

4.625%
TODAY!



**Purchase
Refinance or
Cash Out**

**EZ QUALIFIER
NO APPRAISAL**

"I had problems at my bank, and you guys were able to help. Thank you!"

Chris Ryner - Villa Park, California

Equal Housing Lender 

- Interest Only
 - Great Credit?
 - Need Cash Flow?
- 3.95%**

Bruised Credit?

No Income & No Asset Verification!

- Purchase Loans to 100% LTV
- Cash Out Loans to 100% LTV

- Finance up to 107% on purchases
- Bankruptcy OK! Foreclosure OK!
- Low and no documentation loans
- First time buyers call us now!
- We can CLOSE your loan in 10 days!
- If you have been turned down, call us!



Mortgage Service Center

Call Toll Free & Get An Answer Before You Hang Up!

800-276-0269

Conf #: Loan01

IF YOU RECEIVED THIS FAX IN ERROR AND WOULD LIKE TO HAVE YOUR NUMBER REMOVED FROM OUR DATABASE, CALL TOLL-FREE AT 800-785-8505.

PARTY <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT (Name / Address): STEVE KIRSCH . 13930 LA PALOMA ROAD LOS ALTOS HILLS, CA 94022		TELEPHONE N 	FOR COURT USE ONLY ENDORSED FILED NOV 03 2003 KIRI TORRE <small>Chief Executive Clerk Superior Court of Santa Clara County of Santa Clara</small> By _____ Deputy		
NAME AND ADDRESS OF COURT: SUPERIOR COURT OF CALIFORNIA 270 GRANT AVENUE PALO ALTO, CA 94087					
PLAINTIFF(S): STEVE KIRSCH		DEFENDANT(S): FAIRON & ASSOCIATES, AGENT: PATRICK FAIRON .			
PROOF OF SERVICE (Small Claims)	HEARING DATE: 11/20/03	DAY:	TIME: 1:00 PM	DEPT./DIVISION: TBA	CASE NUMBER: 203SC000412

1. At the time of service I was at least 18 years of age and not a party to this action, and served copies of the following:

- Plaintiff's Claim Order of Examination Other (specify): **NOTICE TO LITIGANTS**
- Defendant's Claim Subpena Duces Tecum

2. a. Party served (specify name of party as shown on the documents served):

FAIRON & ASSOCIATES, AGENT: PATRICK FAIRON .

b. Person served: party in item 2.a. other (specify name and title or relationship to the party named in item 2.a.):

FRANCINEB CANAL: Receptionist

3. By delivery at home at business

a. date: **10/17/03**

b. time: **2:30 PM**

c. address: **3152 RED HILL AVENUE, SUITE 100, COSTA MESA, CA 92626**

4. Manner of service (check proper box):

a. Personal service. I personally delivered to and left copies with the party served. (C.C.P. 415.10)

b. Substituted service on corporation, unincorporated association (including partnership), or public entity. By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person to be served at the place where the copies were left. (C.C.P. 415.20(a))

c. Substituted service on natural person, minor, incompetent, or candidate. By leaving the copies at the dwelling house, usual place of abode, usual place of business, or usual mailing address other than a U.S. Postal Service post office box of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person to be served at the place where the copies were left. (C.C.P. 415.20(b))

d. Date of mailing: **10/17/2003** From (city):

Information regarding date and place of mailing is required for services effected in manner 4.b. and 4.c. above. Certified mail service may be performed only by the Clerk of the Court in small claims matters.

5. Person serving (name, address, and telephone number):

SERVER'S NAME: **BARBARA TUSTISON**
HASSLE FREE PROCESS SERVICE
14125 CAPRI DR. SUITE 4A
LOS GATOS CA 95032

a. Fee for service: \$ **\$66.00**

b. Not a registered California process server

c. Exempt from registration under B&P section 22350 (b)

d. Registered California process server

1. Employee or independent contractor

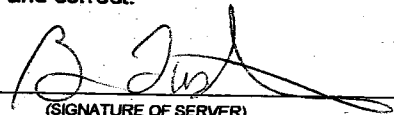
2. Registration Number: **1501**

3. County: **ORANGE**

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date: **10/24/03**


 (SIGNATURE OF SERVER)

PROOF OF SERVICE
 (Small Claims)

LoanNow Financial
General Account
3152 Red Hill Ave. Ste. 100
Costa Mesa, CA. 92626-3418
Ph: (714) 549-6008

CITIBANK (WEST), FSB
COSTA MESA, CA 92626
90-7172/3222

18437

11/18/03

PAY TO THE
ORDER OF

STEVE KIRSCH

\$ 500.00

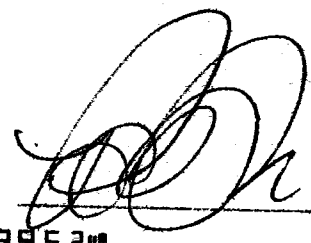
five hundred

00/100

DOLLARS

MEMO

SETTLEMENT OF SMALL CLAIMS



⑆018437⑆ ⑆322271724⑆ ⑆721 4149952⑆

LoanNow Financial / General Account

FAIRON & ASSOC

18437

LoanNow Financial / General Account

PAYMENT
RECORD

18437

Superior Court Of California
County of Santa Clara
Small Claims Divisions

- Los Gatos Facility
14205 Capri Dr.
Los Gatos, Ca. 95032
(408) 866-8331
- Palo Alto Facility
270 Grant Ave.
Palo Alto, Ca. 94306
(650) ~~862-0000~~
462-3820
- South County Facility
12425 Monterey Road
San Martin, Ca. 95046
(408) 686-3522

Request for Dismissal

ENDORSED

(For Court Use Only)

FILED

NOV 20 2003

KIRI TORRE
Chief Executive Officer/Clerk
Superior Court of CA, County of Santa Clara

By DIANE CLARK Deputy

Case Number:
2035C000412

Case Title: PATRICK FAIRON, AGENT, FAIRON & ASSOCIATES

If you settle the case before trial, you must file a dismissal with the clerk.
Please file your dismissal at least three court days prior to the hearing date.

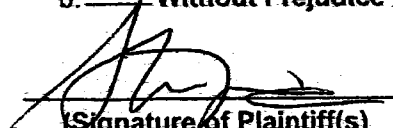
To The Clerk:

Please dismiss the Claim of Plaintiff as follows: (check applicable box)

1. With Prejudice (May not file again)
2. Without Prejudice (May file again)
3. Partial Dismissal (for Multiple Defendants)
Dismiss only as to _____
a. With Prejudice (May not file again)
b. Without Prejudice (May file again)

Dated: NOV 19, 2003

STEVE KIRSCH
(Print Name)


(Signature of Plaintiff(s))

If a Claim of Defendant has been filed, the defendant may dismiss their action as follows:

Please dismiss the Claim of Defendant as follows: (check applicable box)

1. With Prejudice (May not file again.)
2. Without Prejudice (May file again)
3. Partial Dismissal (for Multiple Plaintiffs)
Dismiss only as to _____
a. With Prejudice (May not file again)
b. Without Prejudice (May file again)

Dated: _____

(Print Name)

(Signature of Defendant)

NOTE :In some facilities, if there is a Claim of Plaintiff AND a Claim of Defendant and only one party wants to file a dismissal prior to the hearing, the party who wants to file the dismissal should file it in Court when appearing on the other claim in the case. Check with the clerk at the facility where your claim is filed for clarification.

Request For Dismissal