

Name and Address of Court: Superior Court - Palo Alto Courthouse
270 Grant Avenue, Palo Alto, CA 94306
650-462-3800 x3820

SMALL CLAIMS CASE NO. 2-04-SC-001384

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):
Kirsch, Steven T.
13930 La Paloma Rd
Los Altos Hills, CA 94022-2628

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):
Heysek, Tom
50 California Street Suite 1500
San Francisco, CA 94111

Telephone No.: 650-279-1008

Telephone No.: (661) 338-9685

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

**SMALL CLAIMS SUBPOENA
FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS
AND THINGS AT TRIAL OR HEARING AND DECLARATION**

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

Tom Roth, in his capacity as CFO, officer, or employee of fax.com, Inc., Impact Marketing Solutions LLC, Access Sales, Inc., 600 Anton, 11th floor, Costa Mesa, CA 92626. Tel: 714-371-4096

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this case at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 4b below or you make an agreement with the person named in item 2 below.

a. Date: November 15, 2004 Time: 1pm Dept.: 86 Div.: Room:
b. Address: 270 Grant Avenue, Palo Alto, CA 94306

2. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party: Steven T. Kirsch b. Telephone number: 650-279-1008

3. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 2.

PRODUCTION OF DOCUMENTS AND THINGS

(Complete item 4 only if you want the witness to produce documents and things at the trial or hearing.)

4. YOU ARE (item a or b must be checked):

a. Ordered to appear in person and to produce the records described in the declaration on page two. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.

b. Not required to appear in person if you produce (i) the records described in the declaration on page two and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

[SEAL]



Date issued: SEP 22 2004

KIRI TORRE
Clerk, by Hunter Doi Deputy

(See reverse for declaration in support of subpoena)

Page one of three

PLAINTIFF/PETITIONER: Kirsch, Steven T.	CASE NUMBER: 2-04-SC-001384
DEFENDANT/RESPONDENT: Heysek, Tom	

**DECLARATION IN SUPPORT OF
SMALL CLAIMS SUBPOENA FOR PERSONAL APPEARANCE
AND PRODUCTION OF DOCUMENT AND THINGS AT TRIAL OR HEARING
(Code Civil Procedure sections 1985, 1987.5)**

1. I, the undersigned, declare I am the plaintiff defendant judgment creditor
 other (specify): _____ in the above entitled action.
2. The witness has possession or control of the following documents or other things and shall produce them at the time and place specified on the *Small Claims Subpoena* on the first page of this form.
- a. For trial or hearing (specify the exact documents or other things to be produced by the witness):
Your personal appearance at trial is excused if you comply with this subpoena within 15 days of service. Provide any and all documents providing IDENTIFICATION INFORMATION of the advertiser associated with the attached fax advertisement touting Twister Networks (TWTN). See attachment 2a for definition of terms and important additional information.
 Continued on Attachment 2a.
- b. After trial to enforce a judgment (specify the exact documents or other things to be produced by the party who is the judgment debtor or other witness possessing records relating to the judgment debtor):
- (1) Payroll receipts, stubs, and other records concerning employment of the party. Receipts, invoices, documents, and other papers or records concerning any and all accounts receivable of the party.
 - (2) Bank account statements, canceled checks, and check registers from any and all bank accounts in which the party has an interest.
 - (3) Savings account passbooks and statements, savings and loan account passbooks and statements, and credit union share account passbooks and statements of the party.
 - (4) Stock certificates, bonds, money market certificates, and any other records, documents, or papers concerning all investments of the party.
 - (5) California registration certificates and ownership certificates for all vehicles registered to the party.
 - (6) Deeds to any and all real property owned or being purchased by the party.
 - (7) Other (specify): _____

3. Good cause exists for the production of the documents or other things described in paragraph 2 for the following reasons:
Winningstockpicks.net (aka Worldwide Picks LTD) used fax.com to send the faxes. By identifying the fax.com (aka Impact Marketing Solutions LLC, aka Access Sales Inc.) customer who placed the order, we can identify the individual(s) responsible for sending the faxes.

Continued on Attachment 3.

4. These documents are material to the issues involved in this case for the following reasons:
The documents will establish who at Worldwide Picks LTD used fax.com to send the faxes. More than one broadcaster was used by Worldwide Picks LTD.

Continued on Attachment 4.

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

Date: September 22, 2004

.....
Steven T. Kirsch
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY)

(See proof of service on page three)

Case 2-04-SC-001384

Kirsch v. Heysek

Attachment 2a (SC-107)

The term "IDENTIFICATION INFORMATION" as used in this document includes:

- any and all billing information including name, address, phone, and email
- any and all payment information including cancelled checks, wire transfer, and credit card info showing names, account numbers, addresses or phone
- contact information including name, address, phone, email of each contact
- a copy of any and all faxes transmitted on behalf of the advertiser
- a copy of any and all e-mails received from the advertiser
- a copy of any and all contracts signed by the advertiser
- a copy of any and all orders placed by the advertiser

If no such documents exist, then you are required to supply copies of any and all bank, financial institution, and credit card statements covering the period of June 14 through July 14 which are used for customer receipts for advertising orders placed with any and all firms you are associated with including, but not limited to: Impact Marketing Solutions LLC, Access Sales Inc., Lighthouse Marketing LLC, QBEasy, and fax.com.

Timeframe required for compliance to avoid personal appearance at trial: 15 days from the date of service of the subpoena.

Supply information directly to Plaintiff via fax at (408) 716-2493 or e-mail stk@propel.com. Confirm receipt by calling Plaintiff at 650-279-1008.

If you are unable to fully comply with this subpoena by the indicated date for any reason, or you have any questions about what is being requested, immediately notify Plaintiff at 650-279-1008.

SPECIAL NOTICE TO TOM ROTH

Because your attorney (Jackie Meyer) has advised me that you will not comply with any subpoena for customer information, and in light of fax.com's long "track record" of non-compliance with legal discovery including a complete failure to comply with the FCC and the more than 6 months of dodging of the administrative subpoena from the California Attorney General, you are hereby notified of the following which you should read very carefully:

If you willfully choose not to comply with this subpoena, an Order to Show Cause for Contempt will be issued from Department 87 which will subject you to contempt penalties including imprisonment and fines.

WALL STREET STOCKS

Early Edition

SPECIAL EDITION

****READ THE FULL REPORT - CALL 1-402-951-5501 FILE #872 AND RECEIVE THE FULL REPORT NOW!****

Wall Street Stocks - TWTN STRONG BUY

Featuring: Twister Networks – OTC: TWTN
 Ticker Symbol: (OTC Pinksheets) TWTN
 Recent Price: \$0.69
 Target Price: \$4.00

BUY THIS STOCK!

TWTN Offers Ground Floor Opportunity

In 1999 only 2 million Chinese had web access. By July of 2003, that number had grown to 68 million (second only to the United States).

TWTN sells for \$0.69 a share. Soon, almost 100,000,000 million will be able to use Twister Networks to make long distance phone calls over the Internet. Expect that share price to increase – significantly.

Get in under the radar. Buy OTC: TWTN. The big telecommunications companies are making headlines and paving the way for VoIP. This is keeping the attention off of Twister Networks. Too bad for others but good for you. TWTN is one of those buy low opportunities that may come around just once in a life time.

Why Invest in the VoIP

It's the old story of supply and demand. One hundred million Chinese and Vietnamese with Internet access can choose to pay more yuan for long distance calls (by using their cellphones) or less yuan by utilizing Twister Networks VoIP. Add to this the fact that Twister will be marketing it's products here in the States as well. Another very important factor to consider is; AT&T, Sprint and the other giants in the telecommunications industry are getting into VoIP in a big way. One might think this would hinder Twisters ability to gain market share. Truth is, when the big guys within an industry enter into a new technology (like VoIP) it gives the technology acceptance and credibility. From that point, the customer looks for the best deal and that will be TWTN.

Disclaimer: Wall Street Stocks WSS provides information on selected companies that WSS believes have investment potential. WSS is not a registered investment advisor or broker-dealer. This report is provided for information service only and the statements and opinions in this report should not be construed as an offer or solicitation to buy or sell any security. WSS accepts no liability for any loss arising from and investor's reliance or use of this report. An investment in TWTN is considered to be highly speculative and should not be considered unless a person can afford a complete loss of investment. WSS has been retained to distribute this report on TWTN and has been paid to distribute this report by a third party in the amount of twenty-five thousand dollars. WSS and its officers, directors and affiliates may from time to time buy or sell TWTN shares in the open market without notice. This report contains forward looking statements which involve risks, and uncertainties that may cause actual results to differ materially from those set forth in the forward looking statements. Do your own due diligence.

To Be Removed From Our Database, Call Toll-Free At 800-658-8133.

TWTN Sets the Standard for VoIP

VoIP stands for *Voice over Internet Protocol*. In other words, it allows people and businesses to make long distance phone calls for up to 60% less by using an Internet connection.

The TWTN Plan...In the late 90's the Chinese government considered the Internet a threat. They restricted its use to the privileged few. Today, the government sees the Internet as a means of economic and cultural growth and it's promoting it's use. Twister Networks is positioned to enter the eastern (most populous) portions of China, as well as Vietnam and the United States. As popular as the Internet is in the West, the growth rate pales in comparison to the Far East. Over the last 5 years alone the number of Internet subscribers in China and Vietnam has risen from about 3 million to close to 100,000,000 and this extraordinary growth rate is expected to continue into the near future. Add to this the vastness of China and the fact that a great percentage of Vietnamese families are spread around the world. You can see why a low price Voice over Internet long distance solution like TWTN is...

A Strong Buy Recommendation!

What's Inside ...



Weather...

Temperatures are rising and so is Twister Networks – get it while it's HOT!



Money...

Expect TWTN share price to increase - significantly!



Sports...

The Running of the Bulls – led by TWTN!