

-----Original Message-----

From: Steve Kirsch
Sent: Saturday, November 19, 2005 10:06 AM
To: james casello
Subject: FW: fax.com judgments

Your clients now have just 7 days left.

They will either need to pay me the judgment or return the SC-133 form telling me where all their assets are so that I can seize them and add my costs to seize those assets to the judgment. In the latter case, it will cost them even more money since they will be out of pocket the original judgment plus interest plus all of my costs to collect the judgments.

If they choose to do neither, I will bring contempt charges against them as I have done with other debtors. This could lead to their incarceration for 70 days or more if they choose not to comply with these court orders to disclose their assets. After that time, they will not be released from the county jail until they either disclose all their assets or pay the judgments. If they have assets sufficient to pay the judgments, then they will likely need to pay the judgment before they are released.

So we can do this the easy way or the hard way.

Finally, be sure to add 10% per annum interest on the judgment from the day that the final judgment was made. For example, suppose the judgment is \$X and you've waited Y days. Then you'd pay $\$X * (1 + Y/3650)$ if $Y \leq 365$. Beyond a year, and it compounds.

I look forward to hearing from you.

-steve

-----Original Message-----

From: Steve Kirsch
Sent: Sunday, November 06, 2005 1:02 PM
To: 'james casello'
Subject: RE: fax.com judgments

Jim,

If your clients don't want to pay the judgment, then by law and court order they have 30 days from the date the notice of the judgment was mailed to return the SC-133 form listing all their assets (CCP 116.830).

If I do not receive payment of the judgments, I expect each of your clients to fill out the form COMPLETELY and return it to me within that 30 day time window.

If they choose to do neither of those, then I will use the legal system to compel them to comply with the law as I have with other debtors.

For example, I usually file an OSC re:contempt on each case where the forms have not been returned. If they don't show up at their contempt hearing, the court has always issued a warrant for their arrest. When they appear, I generally ask the court to sentence them to 5 days in jail for each of the 14 counts of contempt (a total of 70 days in jail for each person).

In addition, the court ordered them to keep their current address on file with the court which they have not done. That is another potential 5 days in jail for disobeying that court order.

Also, if they choose to conceal any of their material assets by omitting them from the SC-133 form, then the penalties could be much more severe. For example, I could then apply to the court for a discovery sanction that

since they are hiding assets, they must have the ability to pay and then I can ask the court for a turnover order forcing them either to pay the judgment or be jailed until they comply with the order and pay the judgment. Therefore, I would strongly encourage you to advise your clients not to do this. Also, it would be safer to list anything that might be deemed a "fraudulent transfer" on the form rather than risk not listing it at all. That applies particularly to Kevin Katz. Otherwise, I'm more likely to get a discovery sanction.

Frankly, I'd rather just be paid and get on with my life. But if your clients refuse to pay the judgment and refuse to fully disclose ALL their assets to me so that I can seize them at their expense, then they are in contempt of court and I shall hold them accountable.

Over the past 2 years I have become quite adept at post-judgment collection procedures and finding "hidden" assets and I intend to aggressively pursue the collection of these debts and aggressively pursue the greatest possible punishment against those people who violate court orders.

Kindly let me know how you would like to proceed.

-steve

=====
Here's a fax I sent to another fax.com person on Nov 24, 2005

Please see
<http://www.junkfax.org/fax/action/CollectionEmail.htm>
for the email I sent to the other fax.com people.

In your case, you are way beyond the 30 days allowed by the court.

In addition I notified you last month of your obligation to pay the judgment or disclose your assets. You still have not complied.

If I don't receive the payment or a complete list of your assets and current address information by close of business Tuesday, then I plan to file contempt charges against you on Wednesday morning which will require you to have to make a trip up here to defend. If you are unsuccessful in your defense (which is likely), you should probably bring a toothbrush as you may be staying up here for a while.

Also, there is no "my portion" of the judgment. Nor is the court going to look at whether this is "fair" or not.

You need to pick a pick a path and decide.

You made a lot of money at fax.com and you were responsible for fraudulent faxes such as Tallclocks and stock scams. In some cases, people lost their life savings while you profited.

Frankly, xxxx, I don't think the court is going to be very sympathetic to you.

-steve