

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

August 27, 2003

Mohammad "Mike" Ghaemi
First Capitol Lending Inc.
13931 Carroll Way
Suite C
Tustin, Ca 92780

Dear Mr. Ghaemi,

I am writing to you regarding the recent unsolicited facsimiles ("junk faxes") sent to me from First Capitol Lending Inc. These faxes (a sample attached for your reference) 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(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 TWO faxes 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 \$1000 based on your two documented violations. If you wish to avoid litigation, please send me payment of \$1000 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 \$1000 plus expenses for the illegal faxes. I will also ask the judge to triple the remedy, which he may do at his discretion. This may result in a fine of more than \$3000.

You should also know that I am one of the world's leading expert 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