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November 20, 2003

Via Federal Express
Small Claims Court
Clark of the District Court
Johnson County Courthouse
100 North Kansas Avenue
Olathe, KS 66061-3273

Re: Case Number 03SC-555
K.S.A. 61, Small Claims


To Whom It May Concern:

We are in receipt of summons regarding the above noted case number. In response to said claim please be advised of the following:

- We are located in the State of New York, New York County and have no contact with Kansas.
- We do not know to which email the claimant is referring to since no copies or proof of delivery have been included with this claim.
- All of our marketing efforts are conducted by a separate, but related, entity that has been contracted to perform email marketing. This entity is located in Thailand.
- Notwithstanding the above, we are engaged in the best email practices:
 - We maintain a list of consumers who have unsubscribed from our mailings.
 - Our emails clearly state who we are, where we are located, our phone number, website address and an unsubscribe link, all easily located in the lower portion of our emails and in the same size print as the greater part of the text. Our unsubscribe link is fully functional.
 - We have established procedures to prevent unsolicited electronic mail messages by researching electronic mail compliance regulations within each state.
 - Finally, any message that may have been sent to the claimant in violation of Kansas Law was the result of an error only.

Accordingly, this claim should be dismissed because we have no connection to Kansas, because the claim is incomplete in that the email the claimant refers to is not attached, and because we maintain the best email practices at all times and any message that may have been sent to the claimant was sent in error only.

Respectfully submitted,


Jonah Meyers
Member