

**Transcript of telephone call
between Mark W. Mumma and Johnny Lawless
dated January 19, 2005, 09:37 am CDT - Page 1 of 5.**

1 [Call begins with dial tones and touch-tones.]

2 **Outgoing Phone Menu:** Thank you for calling Omega World Travel. If
3 you know your party's extension, dial that extension now...

4 [WebGuy dials a "0"]

5 **Automated Attendant:** Please wait while I try that Extension.
6 [really bad and LOUD hold music]

7 **Receptionist:** Omega World Travel, How can I help you?

8 **WebGuy:** Yeah, I need to speak to someone about your web sites.

9 **Receptionist:** Uhhh,hh,h, about a technical problem or...?

10 **WebGuy:** Well, basically I am just trying to figure out if, if uh,
11 Omega is, is still the owner and operator of cruise.com.

12 **Receptionist:** We are, yes.

13 **WebGuy:** OK, Well I need to speak to somebody in your legal
14 department then.

15 **Receptionist:** Hang on.
16 [more hold music torture]

17 **Lawless:** Omega Travel this is John.

18 **WebGuy:** Uh Yeah John, I was calling to speak to somebody about uh
19 cruise.com

20 **Lawless:** OK

21 **WebGuy:** Is that something you can help me with?

22 **Lawless:** I doubt it. This is Omega Travel, they are a subsidiary,
23 but their main offices are down in Florida.

24 **WebGuy:** OK, Well.

25 **Lawless:** Did you call, did you call the switchboard and they rang
26 you up to my number?

27 **WebGuy:** They did.

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1 **Lawless:** OK.

2 **WebGuy:** And who are you again?

3 **Lawless:** I'm the general counsel.

4 **WebGuy:** You're the general counsel?

5 **Lawless:** Yeah.

6 **WebGuy:** OK. You're probably the perfect person to help me.

7 **Lawless:** OK.

8 **WebGuy:** Uh, my name is Mark Mumma, I'm an Internet Service Provider
9 in Oklahoma City, Oklahoma

10 **Lawless:** Yeah

11 **WebGuy:** And uh, I keep receiving emails from cruise.com
12 erroneously claiming that I have subscribed to some type of list.
13 Uh, this is actionable under Oklahoma Statutes.

14 **Lawless:** Probably under Virginia Statutes too. We (laughing) we
15 have a, we have like a a subscriber list.

16 **WebGuy:** Uh, huh.

17 **Lawless:** ...for people who want information on cruises and...

18 **WebGuy:** Uh, huh.

19 **Lawless:** ...apparently - you're on the list - uh and you...

20 **WebGuy:** Well, I didn't "opt-in" to the list the way that the email
21 claims happened.

22 **Lawless:** Is there a ... what - what - what was your first name?

23 **WebGuy:** My name is Mark.

24 **Lawless:** Mark, Mark, Is there a uh, uh, is-is-is-is there a uh,
25 procedure to, to get your name off the list, like does it say in
26 the email 'if you want your name off the list, you know, reply back
27 here or...

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1 **WebGuy:** No, only - only idiots do that. That - that basically
2 just um, verifies that the address is working and then I end..
3 **Lawless:** Oh really? (laughing)
4 **WebGuy:** up getting more junk. Yeah. I - in fact I've done
5 several studies on that phenomenon. I've..
6 **Lawless:** No kiddin?
7 **WebGuy:** I've - I've - I've 'opted out' of lists I've never 'opted
8 into' before and the only thing that happens is I get more junk
9 mail sent to that address that's never been 'opted in' to begin with.
10 **Lawless:** OK. If you would e...(interrupted.)
11 **WebGuy:** My removal procedure is to take the parent company of the
12 offender directly to court for violations of Oklahoma Statutes,
13 Title 15, Section 776 and..
14 **Lawless:** Um, hum.
15 **WebGuy:** that's the way I typically opt out of lists that I have
16 never opted into.
17 **Lawless:** Right
18 **WebGuy:** Now I am looking at the corporate information and it says
19 that Dan Bohan is the uh, uh service agent. Is that still correct?
20 **Lawless:** Yeah.
21 **WebGuy:** OK. I tell you what, I am going to get a petition
22 together, to file on in district court, I'm going to send him a
23 copy of it and give him an opportunity to settle this matter out of
24 court, and uh, we'll just go from there.
25 **Lawless:** What's your email address?
26 **WebGuy:** Uh, which one?
27

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1 **Lawless:** To take you off the list. Whichever one you're getting
2 the email from.

3 **WebGuy:** Well, I tell ya what. I've got an entire list of domains
4 that, that uh, that need to be taken out of your list. If you're
5 in front of a browser I can, I can show you where that list is.

6 **Lawless:** Yeah.

7 **WebGuy:** OK. The address is www.OptOutByDomain.com. That's O-P-T
8 O-U-T B-Y D-O-M-A-I-N

9 **Lawless:** um, hum.

10 **WebGuy:** -dot-com; OptOutByDomain.com.

11 **Lawless:** Alright.

12 **WebGuy:** Basically it's a, it's a uh, a (clears throat) a group of,
13 of domain owners that have uh, publically decided to let the entire
14 world know that we don't want any more, uh third party email
15 offers, or, or email advertising offers of any kind sent to our
16 domains. So uh, if you go to that uh, web address there should be
17 a download link at the top where it says "Download the List"...

18 **Lawless:** Um, Hum...

19 **WebGuy:** Do you see that?

20 **Lawless:** Yep, I see it.

21 **WebGuy:** OK. If you click that, that is a list of all of the
22 domains that need to be taken off of your lists, mine is on there.

23 **Lawless:** OK. Yup.

24 **WebGuy:** How soon

25 **Lawless:** Hey Mark...

26 **WebGuy:** How soon can we expect to stop receiving mail from
27 cruise.com

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1 **Lawless:** I'm,

2 **WebGuy:** at these

3 **Lawless:** I'm,

4 **WebGuy:** addresses?

5 **Lawless:** I'm gonna take them down right now.

6 **WebGuy:** Alright, well, that will certainly limit the statutory
7 damages to which you guys are uh, currently indebted to me for.

8 Um, I uh hope you honor your request to take us off, if not its
9 just um, that much more money out of your pocket. Uh, is there
10 anything else you need to know from me?

11 **Lawless:** Nope.

12 **WebGuy:** Thank you very much.

13 **Lawless:** Um, hum.

14 [call ends]

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