

WEST DISTRICT (19484)
SANTA MONICA COURTHOUSE
1725 MAIN STREET, SANTA MONICA, CA 90401

SMALL CLAIMS CASE NO: 04A01351

NOTICE TO ALL PLAINTIFFS AND DEFENDANTS:

Your small claims case has been decided. If you lost the case, and the court ordered you to pay money, your wages, money, and property may be taken without further warning from the court. Read the following pages for important information about your rights.

AVISO A TODOS LOS DEMANDANTES Y DEMANDADOS:

Su caso ha sido resuelto por la corte para reclamos judiciales menores. Si la corte ha decidido en su contra y ha ordenado que usted pague dinero, le pueden quitar su salario, su dinero, y otras cosas de su propiedad, sin aviso adicional por parte de la corte. Lea le reverso de este formulario para obtener informacion de importancia acerca de sus derechos.

PLAINTIFF/DEMANDANTE

DEFENDANT/DEMANDADO

THE FOUNDATION FOR TAXPAYERS &
CONSUMER RIGHTS
1750 OCEAN PARK BLVD., STE, 200
SANTA MONICA, CA 90405

PROMO DART, INC.
2001 S. SANTA FE AVE.
LOS ANGELES, CA 90021

JUDGMENT AND NOTICE OF ENTRY OF JUDGMENT

JUDGMENT WAS ENTERED AS STATED BELOW ON (DATE): 10/20/2004

Defendant (name, if more than one):

PROMO DART, INC.

shall pay plaintiff (name, if more than one):

THE FOUNDATION FOR TAXPAYERS & CONSUMER RIGHTS

\$ 500.00 principal and \$ 60.00 costs on plaintiff's claim.
Other (specify): SEE ATTACHED.

Enforcement of the judgment is automatically postponed for 30 days or, if an appeal is filed, until the appeal is decided.

CLERK'S CERTIFICATE OF MAILING - I certify that I am not a party to this action. This NOTICE OF ENTRY OF JUDGMENT was mailed first class, postage prepaid, in a sealed envelope to the parties at the addresses shown above. The mailing and this certification occurred at the place and on the date shown below.

Place of mailing: SANTA MONICA, CALIFORNIA. JOHN A. CLARKE, Executive Officer/Clerk

Date of mailing: 10/20/2004 By THEODORE W. MCDONALD, Deputy

- The county provides small claims advisor services free of charge.-

SC-130JC (Rev. 1-00) JUDGMENT AND NOTICE OF ENTRY OF JUDGMENT

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT CASE NO: SM 04A01351

To the Clerk of the Court: I am the judgment creditor of record.

I agree that the judgment in this action has been paid in full or otherwise satisfied.

Dated: ____ / ____ / ____

Foundation for Taxpayer & Consumer Rights v. Promo Dart, Inc. 0401351.

In Chambers after being taken under submission: Plaintiff is a tax exempt, non-profit foundation which received unsolicited facsimile messages from defendants and sues pursuant to 47 USC section 227. Section 227 permits a private right of action in state court for the receipt of unsolicited facsimile messages. Section 227(b)(3).

On October 16, 2003, Defendant corporation faxed an advertisement for a free t-shirt as a promotion for the sale of its printed t-shirts. Defendant contends that it is entitled to send such advertisements to the Plaintiff under section 227(a)(3) "any person with whom the caller has an established business relationship". To that end, Defendant presented evidence that on January 16, 2003, 10 months earlier, Plaintiff utilized the Promo Dart website seeking a proposal for the cost of a "mobile billboard". The proposal did not result in an agreement. The court does not consider the mere request for price quote such as this to constitute an "established business relationship" and finds in favor of Plaintiff and awards damages in the sum of \$500 against Defendant Promo Dart, Inc. plus costs. The court is aware of its discretion to award treble damages for wilful or knowing violations and declines to exercise its discretion to award said damages.