

[REDACTED]
FYI: Utah ISP files \$60 million lawsuit against ESP under CAN-SPAM Act

<http://fox13now.com/2015/06/18/utah-internet-company-files-60-million-lawsuit-over-email-spam/>

SALT LAKE CITY — Utah-based Internet Service Provider XMission has filed a multimillion dollar lawsuit against a Florida company, accusing it of spamming more than 100,000 email addresses it hosts.

XMission filed the lawsuit last week in federal court, accusing Clickbooth.com of violating the federal CAN-SPAM Act and sending unwanted emails to its customers.

“We reached our limit,” XMission CEO Pete Ashdown said in an interview Thursday with FOX 13. “We reached our limit as far as how much money and resources we put into blocking their efforts and how they don’t play by the rules.”

Ashdown said XMission traced the spam sent to customers to Clickbooth.com, a Florida-based Internet marketing company. The lawsuit accuses Clickbooth.com of procuring XMission-hosted email addresses from various sources and spamming them. XMission is seeking \$100 for every email address on each count in the lawsuit, and asking for treble damages (more than \$60 million).

A call to Clickbooth.com seeking comment on the lawsuit was not immediately returned on Thursday.

Ashdown said his hope is that the lawsuit sends a message.

“If we go after one, then maybe others will take notice as well,” he said.

Ashdown said spam is a constant and costly problem for XMission and its customers, estimating he has spent tens of millions over the past 20 years to combat it. XMission employs two full-time email administrators and 20 hardware servers to handle spam.

XMission has filed for an injunction against Clickbooth.com. A hearing has been scheduled next week in U.S. District Court.

“Stop sending us spam,” Ashdown said. “Stop sending us unsolicited email. That’s the primary objective here. It costs us an enormous amount of resources and we’re going after the people that are essentially stealing those resources.”

+ + +

[REDACTED]

Follow our Cybersecurity, Privacy and Communications Group on [Twitter @WHCyberPrivacy](#)

Please consider the environment before printing this email.

This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to postmaster@wilmerhale.com—and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

Do not reply to this message. Replies go only to the sender and are not distributed to the list.

[REDACTED]

Any views or opinions presented in this email are solely those of the attributed authors and do not necessarily represent those of the ESPC. The ESPC makes no representation as to the accuracy of the content of this email, and accepts no liability for the consequences of any actions taken on the basis of or in reliance on the information provided. Any discussion of law contained herein should not be construed as legal advice offered to the recipient. Where legal advice is required, recipients should consult independent counsel.

[REDACTED]