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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

STEVEN RAMBAM, aka Steven Rombom,)	Case No. SC 092414
)	
Plaintiff,)	Assigned for all purposes to:
)	Hon. Lisa Hart Cole
vs.)	
)	REPLY IN SUPPORT OF ISSUANCE
ENOM, INC., A Nevada Corporation,)	OF PRELIMINARY INJUNCTION;
DEMAND MEDIA, INC., A Delaware Corporation, A. J. WEBERMAN)	DECLARATION OF GARY KURTZ
)	
)	Date: February 7, 2007
Defendants.)	Time: 8:30 a.m.
)	Dept.: X

I. Introduction

A New York Judgment -- entered after a jury trial -- was entered in California years ago. Judgment Debtors filed no objections to the entry of that judgment. Collections efforts have commenced, largely without reaching valuable assets. The web sites in dispute are assets of the judgment debtor(s), just as a car, a house, or a bank account would be. Unfortunately, California's post-judgment collection statutes do not provide an efficient mechanism to levy against web sites, requiring a separate creditor's action.

At this point, Plaintiff (and Judgment Creditor) does not ask this Court to resolve the ultimate merits of the action. Accordingly, most of the points raised in Mr. Weberman's opposition (if it actually gets filed) are inapposite. The only thing at issue at this point is whether Defendants should be prevented from moving the registration of the web sites a issue, from Enom (where they are available should Plaintiff ultimately prevail), to and off shore registration company that would not be subject to collection efforts. The order that is now requested would do nothing **whatsoever** to obstruct, modify, alter, or affect Mr. Weberman's administration of his web sites.

II. Procedural Issues

Mr. Weberman has made an effort to serve (and presumably file) some opposition document. Plaintiff objects to consideration of that document on the following procedural grounds:

1. The proof of service violates the provisions of Code of Civil Procedure § 1013a, which does not permit a party to serve papers personally.
2. The exhibits, and each of them, are not properly authenticated and no foundation for their admissibility has been established.
3. The statements by Levy for the Jewish Defense Organization (both Judgment Debtors in the Sister State Judgment), King, and Beal are defective and in violation of the requirements of Code of Civil Procedure § 2015.5.
4. Exhibit 6 is not properly authenticated, is hearsay, and is totally irrelevant to the issues before this Court.

III. Reply Argument

Defendant's opposition arguments, to the extent they have any relevance to the issues presently before this Court (which they do not), are based on alleged but unproven assertions of fact. The opposition should be disregarded for that reason alone.

1. The web page registrations have value. Defendant's first point seems to confuse what is at issue. The instant action seeks the registration rights to the various web sites listed in the complaint and moving papers. Those web addresses have value and can be sold to partially satisfy the judgment. At a minimum if bidding is not productive, Plaintiff will make credit bids to give credit for the web pages and value to Judgment Debtors.

2. The offensive content on those web sites is not at issue and not the subject of collection efforts. In fact, the requested preliminary injunction allows Defendant to change the content, and the ultimate judgment in this action will not prevent Defendant from publishing the content at different web addresses. The web addresses have value and those addresses – and only those addresses – are at issue in this action.

3. The instant action does not seek exempt items. Defendant misinterprets and, therefore, incorrectly argues the effect of statutory exemptions. California law does not provide an "outright" exemption for the assets at issue in this action. Defendant's citation to Code of Civil Procedure § 487.020 is not helpful, as that relates to pre-judgment attachment rather than post-judgment collection efforts.

4. The exemption claims do not provide a basis to deny the requested injunction. Code of Civil Procedure § 740.060 provides an exemption up to a limited value for defined property. There is a procedure for applying the exemption to items levied upon. That does

not apply to this action or provide any reason to deny the requested injunction.

5. Similarly, earnings limitations are inapplicable. The instant action seeks ownership interests in certain assets, not a portion of an income stream. There are no earnings – as that term is defined – at issue in this action.

6. Defendant misinterprets the order regarding “The Ballad of AJ Weberman.” In that post-judgment collection order, Commissioner Gross limited an assignment order to 25% of the earnings but also assigned 100% of Mr. Weberman’s interest in that film. The instant action does not seek any earnings; it seeks Mr. Weberman’s interest in the web site registrations.

7. Mr. Weberman’s false or misleading criticisms of Mr. Rambam are the very same type of statements that resulted in the underlying defamation judgment. While the filed defamation may not be actionable because of the litigation privilege, it is no less defamatory. Plaintiff asks this Court to disregard Mr. Weberman’s false, inflammatory, and misleading personal attacks.

8. There are no jurisdictional issues. The judgment in question is now a California Judgment, which was entered in 2003 with no jurisdictional objection. The reason for a California collection is that this is the location of the third parties holding the assets at issue. Filing an opposition – rather than a special appearance – may be a waiver of jurisdiction in and of itself.

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1 **III. Conclusion**

2 The only issue currently before this Court is whether to prevent Defendants from
3 moving web site registrations from entities that are subject to this Court's jurisdiction to
4 entities that may not be. The moving papers provide ample reason to issue such an order,
5 and Mr. Weberman's opposition provides **no** reason to deny the requested order.
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8 Dated: January __, 2007

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11 By: _____
12 Gary Kurtz, Esq., Attorney for
13 Plaintiff Steven Rambam
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