

Denver County, Colorado [x] County Ct. <input type="checkbox"/> District Ct. Court address: 1515 Cleveland Pl., 4th Fl Denver, CO 80202	^ COURT USE ONLY ^
Plaintiff: STOP JUNK FAXING, INC.	
v. Defendant: AIRBEEWIRELESS, INC.,	
Attorney or Party Without Attorney (Name and Address): Greenberg & Associates Law Firm 770 W. Hampden Ave. 155, Englewood CO 80110 Phone Number: 303-781-3529	Case Number: Division/Courtroom
SUMMONS	

TO THE ABOVE NAMED DEFENDANT: TAKE NOTICE THAT


1. On 7/27/04 at 1:15:00 PM, in the County Court, Denver County, if an Answer is not filed, the Court may be asked to enter judgment against you as set forth in the Complaint.
2. A copy of the Complaint against you and an Answer form which you must use if you file an Answer are attached.
3. If you do not agree with the Complaint, you must either:
 - A. Go to the Court, located at 1515 Cleveland Pl., 4th Fl Denver, CO 80202 at the above time and place and file an Answer stating any legal reason you have why judgment should not be entered against you.
 - B. File the Answer with the Court before the date and time.
4. When you file your answer, you must pay a filing fee to the clerk of the Court.
5. If you file an Answer you must give or mail a copy to the Plaintiff or attorney who signed the Complaint.
6. If you do not file an Answer, the Court may enter a default judgment against you for the relief sought in the Complaint.
7. If you want a jury trial you must ask for one in the Answer and pay a jury fee in addition to the filing fee.
8. If you want to file an Answer or request a jury trial and you are indigent, you must appear at the above date and time, fill out a financial affidavit, and ask the court to waive the fee.

DATED AT ENGLEWOOD, COLORADO, THIS 27th DAY OF JULY 2004
CLERK OF THE COURT

BY: _____
Deputy Clerk

Agent for Plaintiff
Stop Junk Faxing, Inc.
c/o Greenberg & Associates Law Firm, P.C.

GREENBERG & ASSOCIATES LAW FIRM, P.C.


Alan Greenberg, #18817
Caroline M. Batchelor, #33145
770 W. Hampden Ave., Suite 155
Englewood CO 80110

This summons is issued pursuant to Rule 303, Rules of County Court Civil Procedure, as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired. TO THE CLERK: If this Summons is issued by the Clerk of the Court, the signature block for the Clerk, Deputy, and the Seal of the Court should be provided by stamp, or typewriter, in the space to the left of the attorney's name. WARNING: All fees are non-refundable. In some cases, a request for a jury trial may be denied pursuant to law even though a jury fee has been paid.

County Court, Denver County, Colorado Court Address: 1515 Cleveland Pl., 4th Fl Denver, CO 80202	^ COURT USE ONLY ^
Plaintiff: STOP JUNK FAXING, INC. v. Defendant: Airbeewireless, Inc,	
Attorney or Party Without Attorney (Name and Address): Greenberg & Associates Law Firm 770 W. Hampden Ave. 155, Englewood CO 80110 Phone Number: 303-781-3529	Case Number: Division/Courtroom
COMPLAINT	

1. Airbeewireless, Inc, Defendant(s), is/are resident of, the subject tort was committed in Denver County or the Defendant is an out-of-state resident; Defendant's post office address is that of c/o Registered Agent E Eugene Sharer, 12404 heall Spring Rd, Potomac, MD 20854

2. The amount claimed herein does not exceed fifteen thousand dollars (\$15,000).

3. Such claim arises from the following event(s) or transaction(s):

FIRST CLAIM FOR RELIEF
(Violation of the Telecommunications Protection Act, 47 USC § 227(b))

Defendants used a telephone facsimile machine, computer, or other device to send unsolicited advertisements to the facsimile machine of Buddy Brown without having obtained the prior express permission or invitation to do so.

Each of these facsimile transmissions of an unsolicited advertisement was a separate and distinct violation by Defendant of the Telecommunications Protection Act ("TCPA") 47 U.S.C. § 227(b)(1)(C) entitling Plaintiff, as Buddy Brown's assignee, to a statutory award of \$500.00.

Defendants' violations of the TCPA were "willful or knowing," as these terms are used within the meaning of the Communications Act and the Federal Communications Commission rules and regulations. As a result of Defendants' willful or knowing violations of 47 U.S.C. § 227(b)(1)(C), Defendants are liable to Plaintiff under 47 U.S.C. § 227(b)(3) for treble damages for each such violation, entitling Plaintiff to an award of \$1,500.00 for each violation.

None of the faxes transmitted by Defendant contained the date and time the fax was sent, or a telephone number of the sending machine or of such business, other entity, or individual sending the facsimile. Such failure constitutes a separate violation for each such item, entitling Plaintiff to damages in the amount of \$500.00 for each violation. Each violation as set forth above was willful and knowing, entitling Plaintiff to damages in the amount of \$1,500.00 for each violation.

SECOND CLAIM FOR RELIEF
(Violation of the Colorado Consumer Protection Act C.R.S. §6-1-702)

C.R.S. §6-1-702(1)(b)(1) provides that a person engages in a deceptive trade practice when, in the course of such person's business, vocation or occupation, such person solicits a consumer residing in Colorado by a facsimile transmission without including in the facsimile message, a toll-free telephone number that a recipient of the unsolicited transmission may use to notify the sender not to transmit to the recipient any further unsolicited transmissions. Defendant has included no removal numbers on its unsolicited faxes.

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, and for relief as follows:

Judgment against each defendant for compensatory damages of \$1,500.00 for each of the violations related to the transmission of the unsolicited facsimiles;

Judgment against Defendants for compensatory damages of \$1,500.00 for each of the violations relating to the failure of each transmitted facsimile to contain the required identifying telephone number of the party sending the facsimile;

Judgment against Defendants of \$500.00 for each of the violations relating to failure of each transmitted facsimile to contain a removal number as required under Colorado law.

Alternatively, judgment in the amount of \$500.00 against each Defendant for each of the above violations of the TCPA if the Court finds that the violations were not willful and knowing;

Judgment for pre-judgment interest and attorneys' fees against all applicable Defendants as provided by statute or specific agreement for violations of the Colorado Consumer Protection Act.

For any other further relief that the Court may deem just and applicable.

4. Defendant(s) are not in the military service of the United States. In support of this statement, Plaintiff submits that, upon a review of all available documentation and communication between the parties, Defendant(s) have not been identified as being in the military service of the United States as of the date of the execution hereof.

5. Plaintiff does not demand trial by jury.

WARNING: All fees are non-refundable. In some cases, a request for a jury trial may be denied pursuant to law even though a jury fee has been paid. NOTE: All Plaintiffs filing this Complaint must sign unless the Complaint is signed by an attorney.



Alan Greenberg, #18817
Caroline M. Batchelor, #33145
GREENBERG & ASSOCIATES LAW FIRM, P.C.
ATTORNEY FOR PLAINTIFF

Denver County, Colorado <input type="checkbox"/> County Ct. <input type="checkbox"/> District Ct. Court address: 1515 Cleveland Pl., 4th Fl Denver, CO 80202 Phone Number: _____	^ COURT USE ONLY ^
Plaintiff: Stop Junk Faxing, Inc. v. Defendant: AIRBHEWIRLESS, INC,	
Attorney or Party Without Attorney (Name and Address): _____ _____ _____	Case Number: _____ Division Courtroom _____

ANSWER UNDER SIMPLIFIED CIVIL PROCEDURE WITH CROSSCLAIMS AND COUNTERCLAIMS

The Defendant(s) _____, answer(s) the Complaint as follows:

1. The amount of damages claimed to be due to the Plaintiff by the complaint in this action is not due and owing for the following reasons:

OR the Plaintiff(s) is/are not entitled to possession of the property and Defendant(s) is/are entitled to retain possession for the following reasons:

OR the injunctive relief requested by the Plaintiff(s) should not be allowed for the following reasons:

2. (If applicable) The Defendant(s) _____ assert(s) the following counterclaim(s) or setoff(s) against the Plaintiff(s); _____

3. (If applicable) The Defendant(s) _____ assert(s) the following cross claim(s) against _____ named Defendant(s). (You are limited to the jurisdiction of the Court):

4. If a counterclaim is asserted above, you must check one of the following statements:
 The amount of the counterclaim does not exceed the jurisdiction of the Court (County Court filing fee required).
 The amount of the counterclaim exceeds the jurisdiction of the Court, but I wish to limit my recovery to the jurisdiction of the County Court (County Court filing fee required).
 The amount of the counterclaim exceeds the jurisdiction of the Court, and I wish the case transferred to the District Court (District Court filing fee required).

5. The Defendant(s) does (do) does (do) not demand trial by jury (If demand is made, a jury fee must be paid).

WARNING: ALL FEES ARE NON-REFUNDABLE. IN SOME CASES, A REQUEST FOR A JURY TRIAL MAY BE DENIED PURSUANT TO LAW EVEN THOUGH A JURY FEE HAS BEEN PAID.

Note: All Defendants filing this Answer must sign unless the Answer is signed by an Attorney.

 Signature of Defendant

 Address(es) of Defendant(s)

 Telephone number(s) of Defendant(s)

 Signature of Attorney for Defendant(s) (if applicable) (print registration number and full telephone number)