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Jaburg & Wilk, P.C.
3200 N. Central Avenue, 20th Floor
Phoenix, AZ 85012 602.248.1000
Maria Crimi Spath (012574)

Maria Crimi Speth (012574) mcs@jaburgwilk.com Laura Rogal (025159) lar@jaburgwilk.com

Attorneys for Plaintiff

# **United States District Court For The District Of Arizona**

Heidi Powell, an Arizona resident,
Plaintiff,

Kent Powell and Heidi Powell, husband and wife,

Defendants.

Case No. 2:16-cv-02386-SRB

#### **Plaintiff's Motion for Sanctions**

(Assigned to the Hon. Susan R. Bolton)

Pursuant to Fed. R. Civ. P. 11 & 28 U.S.C. § 1927, Plaintiff Heidi Powell hereby files her Motion for Sanctions against Defendants and their counsel for their continued frivolous pursuit of unfounded counterclaims against Plaintiff. Defense counsel's actions were taken for the improper purpose of generating publicity and harassing and needlessly increasing the cost of litigation, in violation of Rule 11. Defendants are aware that certain of their allegations and claims have no basis in fact or law. Specifically, Defendants know that Plaintiff's allegations did not result in the disabling and/or suspension of the domain name at issue; they know that they do not own the domain name because it is part of their previous bankruptcy estate; and they know that statutory damages are inapplicable under these facts.

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Plaintiff also seeks sanctions under 28 U.S.C. § 1927 for unreasonably and vexatiously multiplying the proceedings in this matter. This Motion for Sanctions was properly served under Fed. R. Civ. P. 5 and 21 days has elapsed since such service. Plaintiff has made minor revisions to this motion since it was served, which revisions are reflected through the use of Track Changes. This Motion is supported by the following Memorandum of Points and Authorities.

## MEMORANDUM OF POINTS AND AUTHORITIES

#### **BACKGROUND FACTS**

Plaintiff Heidi Powell is a fitness celebrity who has published several books, has appeared on various television shows, and is very active in online media. She is well known in the fitness community, and has been featured on ABC's reality weight-loss television show Extreme Weight Loss. Years ago, Plaintiff attempted to obtain the domain name <heidipowell.com>. She assumed the domain name was available because it was merely "parked"—the public face of the website was a placeholder and had never been put into use. She soon found, however, that the domain name was not available because it had been reserved by someone else—Defendant Kent Powell—who was merely parking the domain name and had been for years. Plaintiff made various attempts to reach out to try to purchase the domain name. Defendants generally resisted and, at one point, demanded \$50,000. Sometime thereafter, Defendants, for the first time, posted content on the site, linking to their web development and design services to exploit the increased traffic intended for Plaintiff.<sup>1</sup>

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<sup>&</sup>lt;sup>1</sup> Based on Plaintiff's counsel's recollection, <del>Jin a conference call between Plaintiff's</del> counsel and defense counsel, defense counsel stated Defendants have, in fact, received mistaken inquiries from gyms. Defense counsel has since clarified that he meant Defendants "had been harassed by hang-up calls from a gym in the Phoenix area" and that their "clients believe Plaintiff is responsible for the harassment." While this was not how Plaintiff's counsel understood the conversation, it is possible that defense counsel's statements were intended to convey this alternative meaning.

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Plaintiff filed a lawsuit based on cybersquatting because the domain name, which was registered by Defendant Kent Powell, had sat dormant and unused for years and was only recently populated with content to exploit the value created by Plaintiff's interest in the site and by web-traffic confusion. Cybersquatting exists where a party registers and "parks" a domain name solely for the purpose of keeping it from others and exploiting someone else's trademark. That is what appears to have happened here. However, Plaintiff never had and never has taken any action to cause the website <u>domain</u> registrar to remove registration, transfer, disable, cancel, or in any way disrupt Defendants' possession of the websitedomain.

Before Defendants filed the Answer and Counterclaim, Plaintiff offered to dismiss the lawsuit if Defendants would simply provide proof of use of the domain name for email prior to Plaintiff's use in commerce in connection with her trademark. See Letter dated August 26, 2016, attached hereto as **Exhibit A**.

Defendants refused to provide the information requested by Plaintiff in the August 26 letter and instead filed the Answer and Counterclaim on September 9, 2016. Also on September 9, 2016, Plaintiff offered to dismiss the complaint in exchange for Defendants dismissing the counterclaims. Defendants accepted. The parties entered into an agreement to mutually dismiss the lawsuit with prejudice. Plaintiff drafted and provided the joint stipulation to Defendants. Thereafter, Defendants sent a letter purporting to revoke the agreement and threatening to file a Rule 11 motion if Plaintiff did not unilaterally dismiss the complaint.

On September 15, 2016, Plaintiff moved to voluntarily dismiss her complaint. Defendants opposed Plaintiff's voluntary dismissal on grounds the motion did not specifically dismiss the claims with prejudice and did not include an award of fees to Defendants. Plaintiff soon learned that Defendants and defense counsel decided to use an aggressive litigation stance to generate publicity for themselves and their law firm.

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Defense counsel are representing Defendants on a pro bono basis, presumably because Plaintiff is a fitness celebrity, and the case, therefore, had the potential to be high profile. Defendants began issuing press releases nationally and generating buzz around their aggressive litigation stance.

Plaintiff's reply in support of her voluntary motion to dismiss indicated Defendants' counterclaims were meritless based on the plain language of the statute. (Doc. 17). Plaintiff had never taken action to cause the registrar to do anything concerning the websitedomain. The reply also indicated that Defendants do not own the website domain name at issue because it remained the property of Defendants' bankruptcy estate.

Defendants immediately filed a surreply arguing the counterclaims were not meritless because Plaintiff had taken action to "lock" the domain. (Doc. 19). As evidence, Defendants attached a printout of the WHOIS website information, where the status of the site shows it is locked. (Doc. 19-2). Defendants' Counterclaim generally alleges that "Plaintiff's allegations have resulted in the disabling and/or suspension the heidipowell.com domain name thereby limiting Mr. and Mrs. Powell's lawful use of the domain name." (Doc. 13, Counterclaim ¶ 45). However, the lock on the site is a default lock placed on all domains by GoDaddy to help counteract hackers' efforts to commandeer and steal websites. A registrant simply needs to click a button to remove the lock. Plaintiff did not place the lock on the site. And, in fact, the lock has existed since as early as November 24, 2013, long before Plaintiff took any action related to the domain name. See Domain Tools Report for <www.heidipowell.com> dated May 2, 2016, attached hereto as **Exhibit B**.

When Defendants refused to dismiss the counterclaims, Plaintiff was forced to file an answer. (Doc. 21). Within hours of filing the answer, Defendants filed a motion for judgment on the pleadings as to its counterclaims. (Doc. 22). As a result of

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Defendants' unjustified aggressive litigation tactics, Plaintiff was forced to incur the expense of further defending against the frivolous counterclaims.

The multiple filings by Defendants in the case misrepresent that Defendants own the domain name. Defendants filed bankruptcy in 2012 and failed to list the domain name on their bankruptcy schedules. Thus, the asset remained the property of the bankruptcy estate upon discharge.

#### II. **ARGUMENT**

#### Defendants' Pursuit of the Counterclaim Violate Rule 11 of the Α. Federal Rules of Procedure; Sanctions are Appropriate.

Defendants' counterclaims have neither legal nor factual basis. Rule 11(b), Fed. R. Civ. P., provides that a party presenting a pleading or motion to the court thereby certifies, inter alia, that the filing "is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation," that "the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument," and that "the factual contentions have evidentiary support." Fed. R. C. P. 11(b)(1)–(3).

The U.S. Supreme Court makes clear that the objective of Rule 11 is to deter baseless filings and curb abuses. Business Guides, Inc. v. Chromatic Communications Enterprises, Inc., 498 U.S. 533 (1991). The Court has held that an attorney who signs the paper without a substantiated belief "shall" be penalized by "an appropriate sanction." Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393-394 (1990). Such a sanction may include payment of expenses. *Id.* Although the Rule is read in light of concerns that it will spawn satellite litigation and chill vigorous advocacy, any interpretation must "give effect to the Rule's central goal of deterrence." *Id.* 

If, after notice and a reasonable opportunity to respond, the court determines that Rule 11 has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Fed.

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R. Civ. P. 11(c)(1). The sanction may include reasonable attorney fees, including attorney fees incurred for the motion. Rule 11(c)(2), (4).

Under Rule 11(c)(2), a party is entitled to a 21 day period, following service of a motion for sanctions, to withdraw an offending pleading before it can be the subject of a sanctions award. In accordance with that provision of the Rule, this Motion was served on Defendants, on October 4, 2016, by both e-mail and U.S. mail.

#### 1. The Counterclaim Fails as a Matter of Law.

#### Defendants do not own the domain name at issue. a)

A bankruptcy debtor has an affirmative duty to disclose assets in bankruptcy, and failure to do so means the asset remains the property of the bankruptcy estate and does not revert to the debtor upon discharge. Cusano v. Klein, 264 F.3d 936, 946 (9th Cir. 2001) (citing Stein v. United Artists Corp., 691 F.2d 885, 893 (9th Cir. 1982)). Defendants filed a Chapter 7 bankruptcy in 2012 and failed to disclose the domain name as an asset on their bankruptcy schedules. See Chapter 7 Voluntary Petition (dkt. 1), In re Powell, 12-11140-MLB (Bankr. W.D. Wash. Feb. 8, 2012). Thus, the domain name remains the property of the bankruptcy estate. Indeed, the bankruptcy trustee recently re-opened the bankruptcy for the purpose of disposing of the asset. See Ex Parte Order Re-Opening Chapter 7 Case (dkt. 20), In re Powell, 12-11140-MLB (Bankr. W.D. Wash. Sep. 19, 2016). Since Defendants do not own the domain name at issue, they cannot pursue the counterclaims concerning the domain name.

Defendants are aware that Defendants do not own the websitedomain. Even if Defendants were not aware at the time they filed the Counterclaim, they soon learned this fact. In the media coverage generated by Defendants, one article quotes defense counsel on the issue of the bankruptcy. At the very latest, Defendants learned that Defendants did not own the website domain name when Plaintiff filed her reply in support of her voluntary motion to dismiss. Nevertheless, Defendants, thereafter, filed a

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surreply and followed it with a motion for judgment on the pleadings. It appears Defendants are pressing these counterclaims and forcing Plaintiff to incur unnecessary costs as leverage to obtain the website domain for Defendants. Although the counterclaims lack any basis whatsoever (as detailed further below), Defendants haves proposed that they will drop the counterclaims if Plaintiff will buy the domain name out of bankruptcy and transfer it back to Defendants. See demand letter dated September 29, 2016, attached hereto as **Exhibit C** (proposing, inter alia, "[y]our client will purchase the HeidiPowell.com domain name from the bankruptcy trustee and simultaneously transfer ownership of the HeidiPowell.com domain name back to Mr. and Mrs. Powell in a manner that will not cause any disruption to their ability to use the HeidiPowell.com domain name."). Thus, Defendants are aware Defendants do not own the domain name at issue. Their efforts in pressing the meritless counterclaims are in bad faith.

> b) The relied-upon statutes do not provide relief because they require action by a "registry, registrar, or other registration authority."

Defendants pled two causes of action under the Anticybersquatting Consumer Protection Act ("ACPA"), a subpart of Lanham Act § 32, 15 U.S.C. § 1114. Defendants' first count, under 15 U.S.C. § 1114(2)(D)(v)), provides as follows:

> A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this chapter. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.

The phrase "a policy described under clause (ii)(II)" refers to implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to,

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or dilutive of another's mark." 15 U.S.C. § 1114(2)(D)(ii)(II). The only remedy available is injunctive relief to reverse the action taken under the registrar's policy. *Id*. § 1114(2)(D)(v)). Initially, without ownership of the domain, Defendants have no cause of action under this part of the statute. And, in any event, the domain name has not been suspended, disabled, or transferred under such a policy—and certainly not by Plaintiff. The originally cited lock on the website-domain is was a default status, and Defendants are—were able to remove it themselves. The lock existed on the site since long before "Plaintiff's allegations" could have possibly caused any disruption of Defendants' possession.

Thus, Defendants' first cause of action has no basis in fact or law.

Defendants' second cause of action, under 15 U.S.C. § 1114(2)(D)(iv), similarly provides as follows:

> (iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any other person that a domain name is identical to, confusingly similar to, or dilutive of a mark, the person making the knowing and material misrepresentation shall be liable for any damages, including costs and attorney's fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

There, the "action described under clause (ii)" refers to actions taken by either a court order or a registrar, registry, or other registration authority to refuse registration, remove registration, transfer, temporarily disable, or permanently cancel a domain name. Id. § 1114(2)(D)(iv). A claim under this subsection is essentially a claim for abuse of process or malicious prosecution, and it comes with a heavy burden of proof. See 5 McCarthy on Trademarks and Unfair Competition § 25A:38 (4th ed.) ("[T]he

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burden of proving such a claim is heavy, requiring proof that the mark owner made a 'knowing and material misrepresentation."").

Here, "a registrar, registry, or other registration authority" has had taken no action as of the date this Motion was served to date. Plaintiff has not made any "knowing and material misrepresentation." Plaintiff has a valid trademark in her name. Defendants have parked a domain name that is identical to Plaintiff's mark. Everything stated in the lawsuit was true. Nevertheless, the lock on the domain name has existed since at least November of 2013, long prior to any action by Plaintiff. "Plaintiff's allegations" could not have possibly elicited the lock on the websitedomain. Importantly, Defendants could have can removed the previously existing lock with the click of a button if they choose to do so. Thus, Defendants' second cause of action is also unfounded.

#### The relied-upon statutes do not provide for statutory c) damages for Defendants.

Defendants prayed for an award of statutory damages in the maximum amount of \$100,000.00 against Plaintiff pursuant to 15 U.S.C. § 1117(d). As was likely intended by Defendants, this requested relief became the subject of media attention with the media speculating that celebrity Heidi Powell could be ordered to pay Defendants \$100,000. The cited provision, however, while an attractive carrot for the media, is wholly inapplicable to Defendants' claims in this case.

15 U.S.C. § 1117(d) provides that "[i]n a case involving a violation of section 1125(d)(1) of this title, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just."

Defendants counterclaims are alleged under provisions of 15 U.S.C. § 1114. (Doc. 13). Defendants are not, and never have been, the plaintiff in a case involving violation of section 1125(d)(1), which is the cyberpiracy prevention provision—the Attorneys at Law

basis of Plaintiff's claims. Section 1125(d)(1) provides protection to trademark owners against the bad faith intent to profit from use of their mark. Section 1117(d) is express and unambiguous that statutory damages are only recoverable by the plaintiff.

### B. Sanctions Are Also Appropriate Under 28 U.S.C. § 1927.

In addition to Rule 11, the Court may award sanctions under 28 U.S.C. § 1927. The statute provides that "any attorney . . . who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct." 28 U.S.C. § 1927.

For the same reasons articulated in the preceding sections, the Court should assess sanctions under 28 U.S.C. § 1927. Plaintiff indicated a willingness to dismiss the lawsuit before Defendants even prepared Defendants' answer. Shortly thereafter, Plaintiff agreed to mutually dismiss the lawsuit even without the requested evidence of use. Plaintiff then unilaterally dismissed the lawsuit even after Defendants purported to withdraw its assent to the agreed-upon mutual dismissal. Defendants are aware Defendants do not own the domain name and that the counterclaims have no merit. Nevertheless, Defendants continues to zealously pursue the counterclaims. Thus, Defendants should reimburse Plaintiff for the unnecessary expenses incurred defending against the frivolous Counterclaim.

#### III. CONCLUSION

For the foregoing reasons, Plaintiff Heidi Powell respectfully requests that the Court assess sanctions against Defendant's and defense counsel under Rule 11(c) and 28 U.S.C. § 1927 for continuing to pursue a frivolous counterclaim for an improper purpose and for unreasonably and vexatiously multiplying the proceedings of this case. Plaintiff requests its reasonable attorney fees incurred in defending against the counterclaim and in making this Motion for Sanctions.

DATED this 1<sup>st</sup> day of November, 2016. 1 2 Jaburg & Wilk, P.C. 3 4 /s/Maria Crimi Speth 5 Maria Crimi Speth Laura Rogal 6 3200 N. Čentral Avenue, 20th Floor Phoenix, AZ 85012 7 Attorneys for Plaintiff 8 9 **Certificate of Service** 10 I hereby certify that on October 4, 2016, I emailed and mailed by First Class Mail 11 Plaintiff's Motion for Sanctions to: 12 David E. Weslow Wiley Rein LLP 13 1776 K Street NW Washington, DC 20006 14 Ari Scott Meltzer 15 Wiley Rein LLP 1776 K Street NW 16 Washington, DC 20006 17 I hereby certify that on November 1, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants: 19 David E. Weslow 20 Wiley Rein LLP 1776 K Street NW 21 Washington, DC 20006 22 Ari Scott Meltzer Wiley Rein LLP 23 1776 K Street NW Washington, DC 20006 24 25 /s/Debra Gower 26

# **EXHIBIT A**



jaburgwilk.com

#### Maria Crimi Speth

mcs@jaburgwilk.com 602.248.1089 - Direct Phone 602.248.0522 - Main Fax

August 26, 2016

#### Via E-Mail dweslow@wileyrein.com

David E. Weslow Wiley Rein, LLP 1776 K Street NW Washington, DC 20006

Re: Powell v. Powell

Dear Mr. Weslow:

I am in receipt of your letter of August 15, 2016. As I mentioned in my email, please note that the email addresses that you have in the email line of your letter are incorrect for both me and Laura Rogal. My email address is above, and Ms. Rogal's is lar@jaburgwilk.com

Initially, I note that my client has no intention to bully or harm your client. Indeed, my client has made numerous overtures to purchase the domain name for fair value. Your letter ignores the reality that your client benefits from the misdirection of traffic that is intended for my client and from the search engine ranking that her website receives when those looking for my client search her name. You euphemistically refer to this as "personal value" to your client.

I also note that neither I nor my client had any knowledge of a bankruptcy nor of PTSD and it is entirely unclear how you think we would know that.

Importantly, I do not believe that your *pro bono* client has told you the full story. We know that the domain name was parked at relevant times and we do not believe it was being used by your client until <u>after</u> my client became famous. The ACPA requires only that your client has a bad faith intent to profit from using my client's trademark as a domain name. Notably, the statute applies where the domain owner registers, traffics in, <u>or</u> uses a domain name that is identical or confusingly similar to a trademark. While a finding of bad faith is essential, "evidence of bad faith may arise well after registration of the domain name." *Lahoti v. VeriCheck, Inc.*, 586 F.3d 1190, 1202 (9th Cir. 2009). Congress intended the cybersquatting statute to make rights to a domain name registration contingent on ongoing conduct rather than make them fixed at the time of registration. *Storey v. Cello Holdings, L.L.C.*, 347 F.3d 370, 385 (2d Cir. 2003).

We strongly disagree that your client has trademark priority over my client.

Gary J. Jaburg Lawrence E. Wilk Roger L. Cohen Mitchell Reichman Beth S. Cohn Kraig J. Marton Ronald M. Horwitz Maria Crimi Speth Neal H. Bookspan Kathi M. Sandweiss Mervyn T. Braude Lauren L. Garner Michelle C. Lombino Janessa E. Koenig Mark D. Bogard David N. Farren David L. Allen Laurence B. Hirsch Nathan D. Meyer Jason B. Castle Douglas O. Guffey C. Cole Crabtree Erick S. Durlach Thomas S. Moring Matthew T. Anderson Laura A. Rogal Amy M. Horwitz Nichole H. Wilk Jeffrey A. Silence Aaron K. Haar Carissa K Seidl Michael B. Dvoren Micalann C. Pepe

David E.Weslow August 26, 2016 Page 2

There is no evidence that your client has any trademark rights in the name and certainly no trademark rights that predate our client's trademark rights.

Your letter states that your clients used the domain name since purchase for email services and to promote various home-based businesses. Again, that is not our understanding. If you provide proof of legitimate use of the domain name (rather than it being parked) that predates my client's use in commerce in connection with her trademark, we will withdraw the lawsuit.

Finally, I would like to revisit the possibility of a win-win resolution. In light of your client's bankruptcy, it would seem that a purchase of the domain name by my client would be a mutually beneficial result. If your client would reconsider, please feel free to contact me.

During our discussions, we are amenable to an open extension of time to answer the complaint. I look forward to hearing from you.

Sincerely,

JABURG & WILK, P.C.

Maria L'Spect

Maria Crimi Speth

MCS:mcs cc: Client

# **EXHIBIT B**



# Domain Report - HeidiPowell.com

Domain Name HeidiPowell.com

Prepared On May 2, 2016

120 x 180

# **About This Report**

This report documents a thorough analysis of the Internet domain name "HeidiPowell.com". It draws on the extensive DomainTools dataset and aims to deliver a comprehensive view of the domain's ownership profile, key historical events and technically linked domain names.

All data in this Report is, or was, freely available through standard Internet DNS and query protocols. DomainTools has not altered the data in any way from its original form, except in certain instances to format it for readability in this Report.

Data from DomainTools is presented as-is, and as captured from the original source. We make no representations or warranties of fitness of any kind.

#### **About DomainTools**

DomainTools offers the most comprehensive searchable database of domain name registration and hosting data. Combined with our other data sites such as DailyChanges.com, Screenshots.com and ReverseMX.com, users of DomainTools.com can review millions of historical domain name records from basic Whois, and DNS information, to homepage images and email settings. The Company's comprehensive snapshots of past and present domain name registration, ownership and usage data, in addition to powerful research and monitoring resources, help customers by unlocking everything there is to know about a domain name. DomainTools is a Top 250 site in the Alexa rankings.

Reach us at memberservices@domaintools.com if you have any questions on this report.

## **Domain Profile**

As of May 2, 2016

### Ownership

Registered Owner kent powell

Owned Domains About 25 other domains

Registrar godaddy.com, Ilc

### Registration

 Created
 Nov 26, 2005

 Expires
 Nov 26, 2016

 Updated
 Oct 18, 2015

Domain Status Parked

Whois Server whois.godaddy.com
Name Servers domaincontrol.com

#### Network

Website IP Address **50.63.202.56** 

IP Location United States-Arizona-Scottsdale

Godaddy.Com Llc

IP ASN AS26496

# **Current Whois Record**

### Reported on May 2, 2016

Domain Name: HEIDIPOWELL.COM

Registrar URL: http://www.godaddy.com

Registrant Name: kent powell Registrant Organization:

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

For complete domain details go to:

http://who.godaddy.com/whoischeck.aspx?domain=HEIDIPOWELL.COM

# **Ownership History**

### Whois History for HeidiPowell.com

DomainTools has 23 distinct historical ownership records for HeidiPowell.com. The oldest record dates Oct 15, 2007. Each record is listed on its own page, starting with the most recent record. The date at the start of the section indicates the first time we captured the record. The website screenshot, when available, will be the image captured as close as possible to the record date.

### **About Whois History**

DomainTools takes periodic snapshots of domain name Whois records and stores them for subsequent analysis. The database contains billions of Whois records across hundreds of millions of domains, dating back in some cases to 2001.

#### Whois Record on Mar 18, 2016

Creation Date: 2005-11-26T21:54:38Z

No adjacent screenshot available for this date.

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2015-10-18T01:20:30Z

Registrar Registration Expiration Date: 2016-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.4806242505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Not Available From Registry

Registrant Name: kent powell Registrant Organization:

Registrant Street: 2950 Newmarket St #101-128

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226

Registrant Country: US

Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com Registry Admin ID: Not Available From Registry

Admin Name: Heidi Powell Admin Organization:

Admin Street: 2950 Newmarket St #101-128

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226

Admin Country: US

Admin Phone: +1.3604107088

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Not Available From Registry

Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226

Tech Country: US

Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

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Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

No adjacent screenshot

available for this date.

#### Whois Record on Dec 1, 2015

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2015-10-18T01:20:30Z

Registrar Registration Expiration Date: 2016-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Creation Date: 2005-11-26T21:54:38Z

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.4806242505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 2950 Newmarket St #101-128

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 2950 Newmarket St #101-128

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 24 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Nov 24, 2015

Creation Date: 2005-11-26T21:54:38Z

No adjacent screenshot available for this date.

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2015-10-18T01:20:30Z

Registrar Registration Expiration Date: 2016-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.4806242505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 2950 Newmarket St #101-128

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 2950 Newmarket St #101-128

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 26 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Jul 20, 2015

No adjacent screenshot available for this date.

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2014-09-11T16:55:11Z

Registrar Registration Expiration Date: 2015-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Creation Date: 2005-11-26T21:54:38Z

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.4806242505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext:
Admin Fax:
Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 28 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Apr 21, 2015

Creation Date: 2005-11-26T21:54:38Z

No adjacent screenshot available for this date.

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2014-09-11T16:55:11Z

Registrar Registration Expiration Date: 2015-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext:
Admin Fax:
Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 30 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Jan 29, 2015

Creation Date: 2005-11-26T21:54:38Z

No adjacent screenshot available for this date.

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com Update Date: 2014-09-11T16:55:11Z

Registrar Registration Expiration Date: 2015-11-26T21:54:38Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited http://www.icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited http://www.icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited http://www.icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited http://www.icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext:
Admin Fax:
Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 32 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Nov 15, 2014

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2014-09-11 11:55:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2015-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States Registrant Phone: +1.3604107088

Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: gaptoothheidi@gmail.com

Registry Admin ID: Admin Name: Heidi Powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: +1.3604107088

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: gaptoothheidi@gmail.com

Registry Tech ID: Tech Name: Heidi Powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: +1.3604107088

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

No adjacent screenshot available for this date.

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 34 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on Aug 30, 2014

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2013-10-17 00:20:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2014-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Registrant Phone: Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: nocontactsfound@secureserver.net

Registry Admin ID: Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: kent@kentpowell.com

Registry Tech ID: Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: 360-671-8582

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

No adjacent screenshot available for this date.

# Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 36 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

#### Whois Record on May 13, 2014

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2013-10-17 00:20:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2014-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Registrant Phone: Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: nocontactsfound@secureserver.net

Registry Admin ID: Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: kent@kentpowell.com

Registry Tech ID: Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: 360-671-8582

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

## Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 38 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

#### Whois Record on Feb 4, 2014

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2013-10-17 00:20:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2014-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Registrant Phone: Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: nocontactsfound@secureserver.net

Registry Admin ID: Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: kent@kentpowell.com

Registry Tech ID: Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: 360-671-8582

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

## Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 40 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

#### Whois Record on Nov 29, 2013

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2013-10-17 00:20:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2014-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Registrant Phone: Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: nocontactsfound@secureserver.net

Registry Admin ID: Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: kent@kentpowell.com

Registry Tech ID: Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226 Tech Country: United States Tech Phone: 360-671-8582

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

## Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 42 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

#### Whois Record on Nov 24, 2013

Domain Name: HEIDIPOWELL.COM

Registry Domain ID: 268759288\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.godaddy.com Registrar URL: http://www.godaddy.com

Update Date: 2013-10-17 00:20:11 Creation Date: 2005-11-26 16:54:38

Registrar Registration Expiration Date: 2014-11-26 16:54:38

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.480-624-2505

Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited

Registry Registrant ID: Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Registrant Phone: Registrant Phone Ext: Registrant Fax: Registrant Fax Ext:

Registrant Email: nocontactsfound@secureserver.net

Registry Admin ID: Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Phone Ext: Admin Fax: Admin Fax Ext:

Admin Email: kent@kentpowell.com

Registry Tech ID: Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: 360-671-8582

Tech Phone Ext: Tech Fax: Tech Fax Ext:

Tech Email: kentdpowell@comcast.net

## Case 2:16-cv-02386-SRB Document 34 Filed 11/01/16 Page 44 of 66

Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

#### Whois Record on Sep 26, 2013

Domain Name: HEIDIPOWELL.COM

Registrar URL: http://www.godaddy.com Updated Date: 2012-02-01 00:01:41 Creation Date: 2005-11-26 16:54:38

Registrar Expiration Date: 2013-11-26 16:54:38

Registran: GoDaddy.com, LLC Registrant Name: kent powell Registrant Organization:

Registrant Street: 3797 Magrath Rd

Registrant City: Bellingham

Registrant State/Province: Washington

Registrant Postal Code: 98226 Registrant Country: United States

Admin Name: kent powell Admin Organization:

Admin Street: 3797 Magrath Rd

Admin City: Bellingham

Admin State/Province: Washington

Admin Postal Code: 98226 Admin Country: United States Admin Phone: 360-671-8582

Admin Fax:

Admin Email: kent@kentpowell.com

Tech Name: kent powell Tech Organization:

Tech Street: 3797 Magrath Rd

Tech City: Bellingham

Tech State/Province: Washington

Tech Postal Code: 98226
Tech Country: United States
Tech Phone: 360-671-8582

Tech Fax:

Tech Email: kentdpowell@comcast.net
Name Server: NS51.DOMAINCONTROL.COM
Name Server: NS52.DOMAINCONTROL.COM

## Whois Record on Oct 19, 2012

No adjacent screenshot available for this date.

Registered through: GoDaddy.com, LLC (http://www.godaddy.com)

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-13
Last Updated on: 01-Feb-12

Registrant: kent powell 3797 Magrath Rd Bellingham, Washington 98226

Administrative Contact:

United States

powell, kent kent@kentpowell.com 3797 Magrath Rd Bellingham, Washington 98226 United States 360-671-8582

Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order: NS51.DOMAINCONTROL.COM

NS52.DOMAINCONTROL.COM

## Whois Record on Apr 23, 2012

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: GoDaddy.com, LLC (http://www.godaddy.com)

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-13
Last Updated on: 01-Feb-12

#### Administrative Contact:

powell, kent kent@kentpowell.com 3797 Magrath Rd Bellingham, Washington 98226 United States 360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Feb 6, 2012

kent powell 3797 Magrath Rd

Bellingham, Washington 98226

United States

Registrant:

Registered through: Go Daddy Domain Name: HEIDIPOWELL.COM Created on: 26-Nov-05 Expires on: 26-Nov-13

Last Updated on: 01-Feb-12

Administrative Contact:

powell, kent kent@kentpowell.com 3797 Magrath Rd Bellingham, Washington 98226 United States 360-671-8582

Technical Contact:

powell, kent kentdpowell@comcast.net 3797 Magrath Rd Bellingham, Washington 98226 United States 360-671-8582

Domain servers in listed order:

NS51.DOMAINCONTROL.COM NS52.DOMAINCONTROL.COM

## Whois Record on Sep 20, 2011

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Domains by Computer Remedies LLC

Domain Name: HEIDIPOWELL.COM Created on: 26-Nov-05 Expires on: 26-Nov-12 Last Updated on: 28-Aug-11

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Nov 28, 2010

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Domains by Computer Remedies LLC

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-11
Last Updated on: 25-Nov-10

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Mar 9, 2010

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Domains by Computer Remedies LLC

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-10
Last Updated on: 17-Oct-09

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Nov 18, 2009

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Your Domain Name & Hosting Site

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-10
Last Updated on: 17-Oct-09

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Jan 27, 2009

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Your Domain Name & Hosting Site

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-09
Last Updated on: 25-Jan-09

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

## Whois Record on Apr 3, 2008

No adjacent screenshot available for this date.

#### Registrant:

kent powell 3797 Magrath Rd Bellingham, Washington 98226 United States

Registered through: Your Domain Name & Hosting Site

Domain Name: HEIDIPOWELL.COM
Created on: 26-Nov-05
Expires on: 26-Nov-09
Last Updated on: 19-Feb-08

#### Administrative Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

#### Technical Contact:

powell, kent kentdpowell@comcast.net
3797 Magrath Rd
Bellingham, Washington 98226
United States
360-671-8582

Domain servers in listed order:

NS2.DOMAINDISCOVER.COM NS1.DOMAINDISCOVER.COM

## Whois Record on Oct 15, 2007

NS2.DOMAINDISCOVER.COM

```
Registrant:
  kent powell
   3797 Magrath Rd
  Bellingham, WA 98226
  US
  Domain Name: HEIDIPOWELL.COM
   Administrative Contact, Technical Contact, Zone Contact:
     kent powell
     3797 Magrath Rd
     Bellingham, WA 98226
     US
     360-671-8582
     kentdpowell@comcast.net
  Domain created on 26-Nov-2005
  Domain expires on 26-Nov-2007
   Last updated on 06-Apr-2006
   Domain servers in listed order:
     NS1.DOMAINDISCOVER.COM
```

## **Hosting History**

DomainTools tracks changes to a domain name's IP address, name server and registrar. These events can be useful signals that may indicate more macro events, including: domain name sales, transfers or deletions; taking a site live with new content; or a change in registration or hosting profile.

## **Registrar History**

Date	Registrar
Oct 18, 2015	GoDaddy.com
Aug 28, 2011	Wild West Domains
Nov 27, 2007	DomainDiscover.com

## Name Server History

Event Date	Action	New Server	Previous Server
Jan 27, 2009	Transfer	domaincontrol.com	domaindiscover.com
May 8, 2006	Transfer	domaindiscover.com	buydomains.com
Nov 28, 2005	New	buydomains.com	-

## **IP Address History**

<b>Event Date</b>	Action	New IP	Previous IP
Mar 17, 2016	New	50.63.202.56	184.168.221.31
Sep 20, 2014	Change	184.168.221.31	184.168.221.28
Jul 6, 2013	Change	184.168.221.28	50.63.202.50
Jan 16, 2013	Change	50.63.202.50	68.178.232.100
Feb 7, 2012	Change	68.178.232.100	64.202.189.170
Apr 10, 2011	New	64.202.189.170	-
Dec 13, 2009	Change	64.202.189.170	208.109.181.198
Feb 2, 2009	Change	208.109.181.198	216.104.161.108
Oct 21, 2007	Not Resolvable	-	216.104.161.108
Oct 21, 2007	Not Resolvable	-	216.104.161.108
Nov 28, 2005	New	216.104.161.108	-

## **Screenshot History**

DomainTools captures snapshots of website homepages on regular intervals. This content is useful for researchers to understand how a domain was used at various points in time. Due to the relatively high storage costs of screenshot data, the coverage of screenshot histories is in most cases not as thorough as Whois or hosting data, and this is especially true for dates early in a domain's history.

No records found for this domain.

## **Connected Domains**

#### **Shared IP Address**

DomainTools uses proprietary techniques to discover other domain names that are hosted on the same IP address (web host) as HeidiPowell.com. This is a sample of up to 100 randomly-selected domains from that dataset. Access to this data provides context in cases where knowing associated domain names has value.

The exhaustive list of connected domains by IP address is available in the Reverse IP product at DomainTools.com.

Domain	Created	Registrant
2js6.com	Jan 5, 2015	Huang SHIMING
alex-barnard.com	Feb 17, 2013	Alex Barnard
alexbarnesmusic.org	Mar 30, 2012	Domains By Proxy, LLC
alphanewsreel.org	Jan 23, 2011	Dave Anderson
amax.online	Mar 4, 2016	Amco
amrfarriers.co.uk	Jan 6, 2014	Annmarie Robinson
anotherconceptmagazine.fr	Oct 16, 2014	PTS Privacy Trustee Services GmbH
appointstaffing.com	May 16, 2015	Domains By Proxy, LLC
atdaviation.biz	Feb 1, 2011	all things digital
bakeanddate.com	Aug 1, 2013	Quadreen Plc
beenverifiedcom.com	Nov 2, 2009	Josh Levy
beinformedlive.com	Jul 29, 2007	stickney research
breathelifearomatics.info	Nov 21, 2012	Breathe Life Aromatics
candlelightsmarthomes.com	Mar 1, 2013	Aspire Enterprises
carbizjob.com	Aug 15, 2014	carbizjobs.com
carrofina.com	Apr 23, 2007	Mark Kozyra
cfvmhc.us	Apr 25, 2014	Tim Liverseidge
cnwong.org	Mar 12, 2016	ALLYMADE
createsuccessltd.net	Feb 4, 2012	Bethel Enterprises Ltd
cubajoesespresso.co	Jul 21, 2011	The Estorino Group, Inc.
danapacificholdings.com	May 17, 2008	Domains By Proxy, LLC
depthskincare.com	Oct 15, 2014	Domains By Proxy, LLC
eventopreneur.com	Dec 4, 2015	Marko Miljus
everedygroup.com	Aug 31, 2014	Domains By Proxy, LLC
factorydirecthelicopters.com	Sep 24, 2008	Michael Gibson
giveflix.com	Apr 15, 2014	Domains By Proxy, LLC
givelocallycowboysfans.org	Sep 4, 2010	Brad Newman
greenpista.com	Apr 25, 2015	northwest consultancy
gurugramapartments.in	Apr 12, 2016	Amit Solomon
gutedel.us	Nov 18, 2011	Willie Gluckstern
healthylivestyle.co.uk	May 22, 2014	Sebastian Kadziolka
hillsies.com	Jan 7, 2016	Shawn Hill
hispanicactionnetwork.us	Aug 2, 2013	United States Hispanic Prayer Action Network
hrpestcontrol.org	May 28, 2013	Jamar Terry

ibromley.com	Jan 6, 2010	Bromley Printing, Inc.
icalpro.com	Dec 2, 2015	VaLogic, LLC
imgnewyork.com	Apr 29, 2014	Jeff C
inmateaide.net	Dec 18, 2012	Shawn Friedkin
insurancecompanies.global	Sep 6, 2015	ProfileTree
jonahsonline.com	Nov 22, 2013	Tim Meade
kathleengregoryphd.com.au	-	Kathleen Gregory
kentuckywhitetailhunts.com	Nov 20, 2015	James Gwilliam
lacatrinastudios.com	Sep 26, 2014	Fernanda Leal
lifelovedeathandbeyond.com	Jan 28, 2016	Heidi Olive
lifeonroute66.com	Apr 5, 2013	BH Internet Group
localdiningmobile.com	Aug 26, 2015	John Aramian
medicalrenegade.co	Dec 11, 2011	Mary Moppins co
memphisintermodalgroup.com	Jun 1, 2012	Commercial Cartage
moldfreehousing.com	Nov 24, 2015	Heather Plude
mtpints.com	Nov 5, 2014	Anthony Goria
mycelenium.com	Feb 21, 2011	Ahmad Sultan
myhorsesandi.com	Nov 7, 2014	The Beautifully Enhanced Group
mythankyou.us	Mar 23, 2011	Eric Blehm
naadp.org	Feb 27, 2016	Domains By Proxy, LLC
naumaanscomicsandtoys.com	Nov 25, 2014	Naumaan Sheikh
newyearsftw.com	Aug 9, 2015	Premier Chicago Professionals
numerisks.com	Dec 17, 2010	DHASEL Innovation
onlinemoneyresidule.com	Aug 15, 2014	Terry Tindall
oracleappsdocs.com	Oct 20, 2013	Sashikanth Geddada
pimpmyband.org	Mar 12, 2014	Arpy Simonian
pogiescarencro.com	May 31, 2013	Brian Landry
poptika.net	Jan 28, 2013	Domains By Proxy, LLC
priceyourhome.house	Jan 15, 2015	Tanya Tyburski
proargi9directsales.com	Jun 20, 2013	Tommy Bethards
rabbi-chow.com	Aug 3, 2009	Belzer PC
rategain.es	-	Rategain.es
ravenhousepublishing.net	May 14, 2015	Raven House Publishing, LLC
refurbishedphones.co	Jul 20, 2010	Przemyslaw Miszczyk
rollofftrucksforsale-apex.com	Jun 10, 2011	Apex Equipment
romancefraudsurvivor.net	Oct 27, 2014	Jan Marshall
rush24-7.com	May 22, 2015	Rush24
sarasotagastricsleeve.com	Jun 11, 2010	Domains By Proxy, LLC
skinnyrichard.ca	Jul 16, 2014	Skinnyrichard.ca
socialroads.com	Jun 10, 2011	Canadian Innovator
southtampamortgage.info	Jan 9, 2015	Bobbie Donaldson
stemcellsandhair.com	Sep 15, 2012	Domains By Proxy, LLC
stinkyherb.com	Jan 3, 2015	Domains By Proxy, LLC
stradio.org	Mar 19, 2015	Domain Registries Foundation
sucupforkids.com	May 2, 2013	Sucup Ltd

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superatheos.com	Jul 16, 2015	Predrag Stojadinovic
suzartfabric.com	Aug 13, 2015	Suzanne Anderson
theethiccompany.net	Jun 25, 2015	swathi nelabhatla
therockandrolltimemachine.com	Feb 10, 2015	Brian Brehm
thingamabobs.ca	Oct 15, 2013	Thingamabobs.ca
thomasantoon.com	Jul 8, 2010	CHRISTOPHER ANTOON
todaysbestmortgagerate.net	Feb 2, 2013	Beverly Hills Estate Group
top-appraiser.info	May 21, 2012	Collins Appraisals Real Estate Appraisers
toraeon.mobi	Jul 2, 2015	Domains By Proxy, LLC
trailerfilmfestival.com	Oct 1, 2014	Charlie Davies
turchyniak.com	Mar 11, 2001	Biomotion
unitedstatesanything.com	Jan 14, 2013	Russell Halsted
vaporexperts.info	May 18, 2011	MSI IMPORTS LLC
veganfriend.org	Jul 1, 2015	Hotei Media
vlenz.net	Aug 30, 2011	Domains By Proxy, LLC
wandamorrison.com	Jan 16, 2012	Domains By Proxy, LLC
watsoniot.com	Dec 8, 2015	Geoffrey Watson
windowsphoneradyo.com	Feb 7, 2013	cahit cercioglu
worldlongestmainstreet.com	Oct 22, 2014	Shop On Main, LLC
xrpprices.com	Jan 29, 2015	Scott Ellis
yolandaford.org	Oct 15, 2015	It's Blissful

#### **Shared Name Server**

DomainTools uses proprietary techniques to discover other domain names that are hosted on the same name server as HeidiPowell.com. This is a sample of up to 100 randomly-selected domains from that dataset. Access to this data provides context in cases where knowing associated domain names has value.

The exhaustive list of connected domains by name server is available in the Name Server Report product at DomainTools.com.

Domain	Created	Registrant
41southbrew.com	Jul 31, 2015	Domains By Proxy, LLC
911-lawyer.com	Jul 19, 2012	Domains By Proxy, LLC
95qp.com	Apr 22, 2014	Domains By Proxy, LLC
95zz0022.info	Apr 6, 2016	renzhi wang
acidentertainment.net	Nov 12, 2004	Domains By Proxy, LLC
alwaysandeverhospicefoundation.com	Jan 19, 2011	Domains By Proxy, LLC
americanautoandcycle.com	Aug 7, 2014	Dealer Car Search
anizeta.com	Jan 15, 2012	ANIZETA SOFTWARE
argylearmoring.com	Apr 21, 2012	Marshall MacHugh
ascendsor.com	May 13, 2015	Domains By Proxy, LLC
assumablemortgage.biz	Oct 15, 2010	Trust & Esperience LLC
avdlm.net	Dec 18, 2009	Disabled veterans Life Memorial Foundation, Inc.
bagnodesign.net	Aug 29, 2013	Domains By Proxy, LLC
barbeques-happen.com	Jan 5, 2010	Sales Happen Inc
beamingsounds.com	May 3, 2013	Brent Polwey
bellarosediaries.com	Mar 19, 2016	Rose Calvelo
best-coalition.org	Apr 15, 2015	Aileron Communications, Inc.
bikeinbras.com	Mar 20, 2012	joe volch
blueelephantpartners.com	Apr 1, 2013	Ashees Jain
bquirky.net	Jan 8, 2014	Domains By Proxy, LLC
californiaorberasurgeon.com	Mar 8, 2016	Ellner Bariatric
chiliroadcafe.com	May 8, 2013	Cecilia Tognotti
coastalsupply.info	Jun 20, 2011	Domains By Proxy, LLC
coffeemachinesandpods.com	Dec 18, 2013	Hashim Abbas
coolpuppypanels.com	Aug 14, 2012	Clean Run Productions LLC
coveritmedia.org	Jul 31, 2015	Jennifer Findley
davischocolate.com	Dec 8, 2010	Domains By Proxy, LLC
davisjunctionrealestate.com	Jan 28, 2012	Mark Rubley-Realtor
demandgeninc.com	Apr 26, 2014	David Lewis
digitaltravelpr.com	Nov 13, 2013	Domains By Proxy, LLC
discountspaserviceandrepair.com	May 12, 2009	Domains By Proxy, LLC
doctorkowalski.com	Mar 7, 2006	Richard Kowalski
domebarpaphos.com	Apr 14, 2015	Chrysanthos Kattimeris
dougwhittenburg.info	Nov 6, 2013	Douglas Whittenburg
exceloutreach.org	Oct 30, 2011	Domains By Proxy, LLC

eyesonthesource.com	Aug 20, 2012	Eyes on the Source
fantasymonologue.com	Jul 14, 2010	Jonathan Feist
firstaidguide.org	Feb 23, 2012	Acute Care Solutions
forestmanagement.com	Apr 17, 1997	Domains By Proxy, LLC
garagesale516.com	May 4, 2013	Kerri Mentz
geocompinc.org	Sep 25, 2013	Domains By Proxy, LLC
get2itevents.com	Feb 4, 2011	AECCMD
gradeline.org	Dec 14, 2007	Dan Manzo
implementblockchain.com	Apr 26, 2016	Domains By Proxy, LLC
inspire-tile.com	Mar 1, 2016	dennis foley
jamilaboss.com	Mar 2, 2013	Wendy Jay Consulting
jeepwranglerlasvegas.com	May 16, 2015	Chris Wooldridge
jgrasmick.com	Jul 3, 2015	Joshua Grasmick
joshualutyisathief.com	Jun 5, 2014	Alexander Carr
justinsmutko.com	Feb 2, 2011	Domains By Proxy, LLC
kangacars.com	Oct 26, 2008	Lama Web
kastriothasa.com	Jun 23, 2015	kastriot hasa
keishapadala.com	Jun 18, 2015	Domains By Proxy, LLC
kempshiffer.net	Sep 24, 2015	Domains By Proxy, LLC
kentmoorecapital.com	Jan 14, 2010	Kent Moore Capital
kentsfundraising.info	May 19, 2015	David Reed
landbfarms.net	Jun 23, 2012	davie swain
loudeskimo.com	Mar 20, 2014	Kurt Borowiak
michelledunst.com	Apr 16, 2011	Domains By Proxy, LLC
mikebuechele.com	Jun 25, 2008	Michael Buechele
mybehomemedical.com	May 29, 2010	Domains By Proxy, LLC
mydataresearch.com	Apr 11, 2015	Muhammad Khan
nagf.org	Sep 11, 2013	Next American Generation Foundation
noemailfridays.com	Jul 25, 2008	Rivera Public Relations
notjustahashtag.info	Nov 15, 2015	WORTHshop
notjustgoogle.com	Apr 6, 2015	Mystic Consulting
ochulor.com	Jan 3, 2016	Enyinna Ochulor
otalki.com	Feb 23, 2014	Poor Daisy - Domains for Sale
parentpowerhouse.net	Apr 8, 2016	Kenneth Ryan
pdxelectric.com	Jun 19, 2007	PDX Electric
pentzel.com	Feb 6, 2015	INq,llc
primalburgers.com	Mar 17, 2016	PJ Miller
rainbowcarelink.org	Feb 18, 2008	Pediatric Innovations Inc.
realpeople-realresults.com	Jul 11, 2010	Mark Bentz
rogerung.com	Dec 2, 2015	Roger Ung
roseshy.com	Apr 24, 2016	XIAO LUO
sajalaquapure.com	Feb 11, 2016	KAPIL KAUSHIK
seaboattowingcuba.com	Aug 9, 2009	Sea Tow and Sea Spill Cuba
shealyskinspa.com	Apr 1, 2011	Elizabeth Shealy
shemalestrokercams.com	Jul 27, 2011	Rodnievision INC

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solmaties.com	Sep 30, 2015	Broadthink
soulrepose.com	Dec 5, 2013	Marco Salinas
spanktheapp.com	Jul 17, 2014	Josh Thomas
sportscrowd.us	Oct 14, 2013	Julie Jones
sqlsamurai.com	Jan 29, 2004	MC Services
statelinervpark.net	Mar 23, 2009	SOUTHAVEN RV PARK
strutinconfidence.com	Oct 22, 2015	Always A Lady
superiorcourtreporters.net	May 27, 2012	The Force Court Reporting
supersportsseats.com	Jan 31, 2015	ravindra bala
terra-simpla.com	Nov 5, 2015	robert roeven
terrifictshirt.com	Feb 16, 2011	SURREYTECK, INC
thatsawesomenews.com	Jun 28, 2015	luke carter
theconversions.org	Jan 29, 2014	The Conversions
thenonkardashian.com	Dec 22, 2015	Cohen Law
thescaletales.com	Apr 11, 2011	Joe Key
wallawallalawyer.net	Sep 16, 2009	Peter Hess
whatelsedoyouhave.com	Jul 23, 2012	Liesl Copland
windowsgates.com	Jun 9, 2011	ben galor
yerushalmijewelers.com	Dec 14, 2009	The Jewelers
zara-tour.com	Nov 3, 2014	Muhammad Nahrowi

# **EXHIBIT C**



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

www.wileyrein.com

September 29, 2016

David E. Weslow 202.719.7525 dweslow@wileyrein.com

## FOR SETTLEMENT PURPOSES ONLY SUBJECT TO FRE 408

VIA EMAIL mcs@jaburgwilk.com

Maria Crimi Speth, Esq. Jaburg & Wilk, P.C. 3200 N. Central Avenue, 20th Floor Phoenix, AZ 85012

Re: Powell v. Powell, Case No. 2:16-cv-02386 (D. Ariz.)

Dear Maria:

As an initial matter, it has come to our attention that your client recently underwent out-patient surgery. Notwithstanding our differences with regard to this dispute, Mr. and Mrs. Powell wish your client the best of health and a speedy recovery.

With regard to the matter at hand, I hope it is now clear to you and your client that Mr. and Mrs. Powell have no desire to use the HeidiPowell.com domain name in a manner that trades off of your client's persona. Nevertheless, it is important to Mrs. Powell to retain ownership of the domain name for her personal use (including many years' worth of e-mails, account logins, etc.). Accordingly, we will continue to vigorously pursue this matter to the extent necessary, including our pursuit of attorneys' fees (which are now well into the tens of thousands of dollars) and a finding of reverse domain name hijacking. Mr. and Mrs. Powell also intend to pursue every available avenue to keep your client from stealing the domain name through the bankruptcy. Thus, if you continue to pursue this matter, not only will your client never obtain the HeidiPowell.com domain name, but she also faces the prospect of having to pay a six figure judgment on top of your fees as well as continuing publicity associated with the lawsuit given the unanimous view of the baselessness of her claims by legal scholars and reporters alike.

Although Mr. and Mrs. Powell have every right to be outraged by your client's ruthless efforts to obtain a domain name that she has no right to forcibly acquire, what they really want is to return to the status quo before your client filed her meritless lawsuit.



Maria Crimi Speth, Esq. Jaburg & Wilk, P.C. September 29, 2016 Page 2

Accordingly, Mr. and Mrs. Powell are willing to enter into a settlement agreement on the following terms:

- The parties will file a joint dismissal of the Complaint and Counterclaims, with prejudice;
- Mr. and Mrs. Powell will withdraw their pending request for an award of attorneys' fees and costs;
- Mr. and Mrs. Powell will agree to refrain from opposing your client's soon-to-be published trademark application;
- Your client will purchase the HeidiPowell.com domain name from the bankruptcy trustee and simultaneously transfer ownership of the HeidiPowell.com domain name back to Mr. and Mrs. Powell in a manner that will not cause any disruption to their ability to use the HeidiPowell.com domain name.

I trust that you will share this correspondence with your client. We will keep this offer open until 5:00 p.m. Eastern Daylight Time on Monday, October 3, 2016.

Please contact me with any questions.

Sincerely,

/s/ David E. Weslow

David E. Weslow

cc: Laura Rogal, Esq. Ari S. Meltzer, Esq.

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