

Man quits job, makes living suing e-mail spammers

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In this Dec. 22, 2010 photo, attorney Daniel Balsam, who hates spam so much that he launched a Website Danhatesspam.com, poses outside in San Francisco. From San Francisco Superior Court small claims court to the 9th U.S. Circuit Court of Appeals, San Francisco-based Balsam has been wielding a one-man crusade against e-mail marketers he alleges run afoul of federal and state anti-spamming laws with dozens of lawsuits filed even before he graduated law school in 2008. (AP Photo/Eric Risberg)

(AP) -- Daniel Balsam hates spam. Most everybody does, of course. But he has acted on his hate as few have, going far beyond simply hitting the delete button. He sues them.

Eight years ago, Balsam was working as a marketer when he received one too many [e-mail](#) pitches to enlarge his breasts.

Enraged, he launched a Web site called Danhatesspam.com, quit a career in marketing to go to law school and is making a decent living suing companies who flood his e-mail inboxes with offers of cheap drugs, free sex and unbelievable vacations.

"I feel like I'm doing a little bit of good cleaning up the Internet," Balsam said.

From San Francisco Superior Court small claims court to the 9th U.S. Circuit Court of Appeals, Balsam, based in San Francisco, has filed many lawsuits, including dozens before he graduated law school in 2008, against e-mail marketers he says violate anti-spamming laws.

His many victories are mere rain drops in the ocean considering that [Cisco Systems](#) Inc. estimates that there are 200 billion spam messages circulating a day, accounting for 90 percent of all e-mail.

Still, Balsam settles enough lawsuits and collects enough from judgments to make a living. He has racked up well in excess of \$1 million in court judgments and lawsuit settlements with companies accused of sending illegal spam.

His courtroom foes contend that Balsam is one of many sole practitioners unfairly exploiting anti-spam sentiments and laws. They accuse him of filing lawsuits against out-of-state companies that would rather pay a small settlement than expend the resources to fight the legal claims.

"He really seems to be trying to twist things for a buck," said Bennet Kelley, a defense lawyer who has become Balsam's arch nemesis over the years in the rough-and-tumble litigation niche that has sprung up around spam.

Kelley created a website with a similar name, Danhatespam.com, that was critical of Balsam's tactics. Kelley let it expire.

"There is nothing wrong per se with being an anti-spam crusader," said Kelley, who has sued Balsam twice for allegedly violating confidentiality terms in settlement agreements. "But Dan abuses the processes by using small claims court.

"A lot of people will settle with him to avoid the hassle," Kelley said.

Balsam started small in 2002 in small claims court. By 2008, some of his cases were appearing before the 9th U.S. Circuit Court of Appeal and he was graduating from the University of California Hastings College of the Law.

"What started just as kicks turned into a hobby, which turned into a career," Balsam said. "It's what triggered me to go to law school."

Balsam mostly sues companies he accuses of violating California's anti-spam law.

Among other restrictions, the law prohibits companies from sending spam with headers that misleads the recipient into believing the e-mail is noncommercial or comes with offers of "free" products that aren't true.

The law also requires a way for Internet consumers to "opt out" of receiving any more spam from a sender.

Balsam said he has more than 40 small claims victories and several more in higher courts, mostly alleging the receipt of misleading advertising.

In November, he won a \$4,000 judgment against Various Inc., an "adult-oriented" social media company that controls AdultFriendFinder.com.

A judge sided with Balsam, who sued after he received four identical e-mails sent to four different accounts with the identical subject line "Hello my name is Rebecca, I love you." It's the fourth time he's beat Various in court.

The company is appealing the latest ruling and a hearing is scheduled for Jan. 5 in San Francisco Superior Court.

Balsam certainly isn't the average Internet consumer.

When San Mateo Superior Court Judge Marie Weiner in March ordered Trancos Inc. to pay Balsam \$7,000 for sending [spam](#) that recipients couldn't stop, she noted that he has more than 100 e-mail addresses.

Balsam has filed lawsuits and got settlements and judgments from companies small and large.

He has sued the Stockton Asparagus Festival and embroiled himself in contentious litigation with Tagged.com, the country's third largest social networking site. Balsam noted in his lawsuit that Time magazine dubbed it "the world's most annoying Web site."

Tagged.com shot back with a lawsuit of its own, accusing Balsam of threatening to violate terms of an earlier settlement by telling the company he was planning to post terms of the agreement on his website.

Balsam is fighting the lawsuit and a lawyer for Tagged.com didn't return a phone call seeking comment.

Balsam has also been sued by Valueclick Inc. for allegedly breaching settlement agreements by exposing confidential terms, which he denies.

"Balsam, who in his anti-spam zeal frequently views matters in absolutes

such that anyone who disagrees with him must be villainous," lawyers for Valueclick Inc. stated in a 2007 lawsuit accusing Balsam of disclosing terms of a settlement.

The lawsuit was later dismissed in San Francisco Superior Court and Balsam declined to discuss the case other than to say it was "resolved."

He said, generally speaking, those who sue him are "retaliating" for lawsuits he filed against them.

"I feel comfortable doing what I'm doing," Balsam said of the lawsuits against him. "And I'm not going away."

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