

When a lawyer gets hit by spammers, expect a lawsuit

By *srlinuxx*

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The lawsuit, filed Thursday in U.S. District Court for the Southern District of New York, charges that China Digital Media, a Nevada corporation with operations in China, and its unknown promoters, named in the suit as "John Does 1-10," used lawyer Scott Ziegler's e-mail address as part of a spam campaign. The suit seeks millions of dollars in combined damages.

Filed on behalf of Ziegler and his Manhattan firm Ziegler, Ziegler & Associates, the suit claims that between about April 29 and May 3, Ziegler received thousands of bounced promotional e-mails bearing his business address in the "from" field.

"It was a severe disruption to my workdays," Ziegler said in an interview. "At some point it overloaded my mailbox, so I could not receive any other messages that I needed to get."

According to the suit, Ziegler was "surprised and dismayed" to receive the e-mail rejections because he did not send or authorize the e-mails. He became concerned that people who received the promotional message, including clients or potential clients, would assume he had sent or approved the mailing, the suit said. His firm's client list includes banks and securities companies, according to the lawsuit.

As unsolicited e-mail has proliferated, law enforcement agencies and Internet service providers have stepped up their pursuit of spammers, but the effort has done little to curb the problem. Now some smaller organizations and e-mail users, such as Ziegler, are taking action themselves.

According to the lawsuit, Ziegler contacted China Digital Media prior to filing the action and received an e-mail from Chief Executive Officer Daniel Ng. In the e-mail, Ng confirmed that his company hired a stock promoter but denied having anything to do with sending spam with Ziegler as the return address. He did not name the promoter and apologized for any embarrassment.

A copy of the e-mail from Ng as well as examples of the bounced spam messages were filed with the lawsuit.

An apology was not enough for Ziegler. "I was amazed that somebody spammed with an e-mail address that was a real e-mail address, thinking that there would be no ramifications," he said. "We decided to take matters into our own hands."

China Digital Media's Ng did not respond to an e-mail and phone call seeking comment.

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