

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

FILED

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AMERICA ONLINE, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NATIONAL HEALTH CARE DISCOUNT )  
INCORPORATED, )  
Defendant. )

CASE NO. C98-4111PAZ *pm*

JUDGMENT IN A CIVIL CASE

*This matter came before the Court and*

*IT IS ORDERED AND ADJUDGED THAT the Plaintiff, America Online, Inc., recover from the Defendant, National Health Care Discount Incorporated, actual damages in the amount of Three hundred nineteen thousand five hundred dollars and no cents (\$319,500.00).*

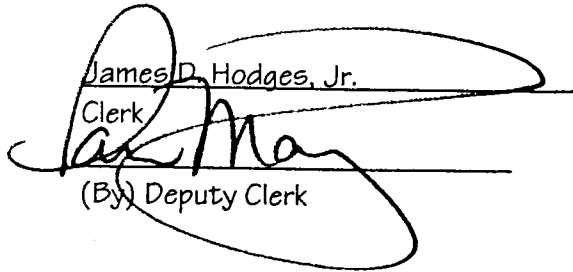
*IT IS ORDERED AND ADJUDGED THAT the Plaintiff, America Online, Inc., recover from Defendant, National Health Care Discount Incorporated, prejudgment interest on the actual damages from December 18, 1998 at the rate applicable to judgments in federal court. The court also awards attorney fees in an amount to be determined after post-trial submissions by the parties.*

*IT IS ORDERED AND ADJUDGED THAT the Plaintiff, America Online, Inc., recover from the Defendant, National Health Care Discount Incorporated, punitive damages in the amount of One hundred thousand dollars and no cents (\$100,000.00).*


*IT IS ORDERED AND ADJUDGED THAT the Defendant, National Health Care Discount Incorporated, is enjoined permanently from (1) sending or transmitting, or directing, aiding, facilitating or conspiring with others, whether employees, agents or independent contractors, to send or transmit, any electronic mail message or electronic communication of any kind, promoting, advertising, selling, or in any way relating to any products, goods or services sold by NHCD, to or through AOL, its network, or its members; and (2) acquiring, compiling, or transferring AOL member e-mail addresses or e-mail addresses that contain "AOL" in the domain name; and (3) accepting, whether or not in return for compensation,*

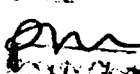
any leads or prospective customer information generated using electronic mail sent or transmitted to or through AOL, its network, or its members.

DATED: August 20, 2001

James D. Hodges, Jr.  
Clerk  
  
(By) Deputy Clerk

APPROVED AS TO FORM:

  
PAUL A. ZOSS  
Magistrate Judge

Checked and filed on 8/21/01  
in the record of proceedings as shown on the Court's sheet.  
  
Deputy Clerk