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December 12, 2008

Mr. Thomas K. Kahn, Clerk
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Marc J. Randazza, Esq.
Attorney for Appellee
781 Douglas Ave.
Altamonte Springs, Florida 32714

Re: Case No. 08-12328 - Internet Solutions Corp. v. Tabatha Marshall
D.C. Case No. 07-01740-CV-ORL-22-KRS

Dear Mr. Kahn:

In response to your Memorandum to all counsel of November 24, 2008, this letter addresses the relevance of *Licciardello v. Lovelady*, No. 07-14086, 544 F.3d 1280 (11th Cir. 2008) to this matter.

As in *Licciardello*, the instant case is predicated upon an allegation of a deliberate and intentional tort carried out via an Internet Web site, accessible in Florida, owned and operated by the Appellant, a nonresident of Florida, whose intentional tortious act was directed to, and, in fact, caused injury to the Appellee in the State of Florida. *Id.* at 1282 – 1283, 1287 - 1288; Appellant Ct. App. Br. at 8-10. As such, this Court should hold that the Appellant's allegations in the underlying Complaint satisfy the "effects test" set forth in *Calder v. Jones*, 465 U.S. 783, 104 S.Ct. 1482, 79 L.Ed.

804 (1984), and relied upon in *Licciardello* in holding that the nonresident tortfeasor's actions were suffice for the lower court to exercise personal jurisdiction.

This Court should also apply *Licciardello* and hold that the lower court's exercise of personal jurisdiction comports with fair play and substantial justice. *Licciardello* at 1288. Appellant in this case, injured by the intentional tort of a nonresident aimed at the Appellant in the Appellant's home state, should not be required to travel to another forum to seek a remedy for the injuries caused by Appellee. Appellee should not be surprised that her deliberate and injurious actions, which were intended to cause harm to the Appellant in the State of Florida, would subject her to the jurisdiction of a Florida court.

As a result of the foregoing, as well as Appellant's previously submitted Brief, exhibits and record of the lower court, the Court should reverse the Middle District of Florida's grant of the motion to dismiss for lack of personal jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kress', with a long horizontal flourish extending to the right.

Keith E. Kress
Attorney for Appellant
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