

**In The Circuit Court For the Seventh Judicial Circuit
Sangamon County, IL**

Jason Nieman,

vs.

**Versuslaw, Inc., Joseph W. Acton, Yahoo,
Inc., Google, Inc., and Microsoft, Inc.**

Defendants

2012L 000059

Case No.: _____

Judge: _____

To Defendant: Microsoft Corporation

You are hereby SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, in the office of the clerk of this court, 200 South 9th Street, room 405, Springfield, IL 62701, within 30 days after the service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

This summons is served upon you via personal service at your registered agent, Illinois Corporation Service, 801 Adlai Stevenson Drive, Springfield, IL 62703. (217) 492-2700. Said service occurring by way of the Sangamon County Sheriff's Department, or other duly authorized process server in the State of Illinois, pursuant to 735 ILCS 5/2-201, 203, and/or 204.

To the officer/process server:

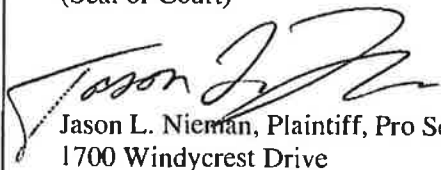
This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

Witness _____

2/29/12

(Seal of Court)



Jason L. Nieman, Plaintiff, Pro Se
1700 Windcrest Drive
Springfield, IL 62704
217 836 7126
Nieman46804@yahoo.com



EXHIBIT

A

tabbles

1 Date of service _____, 20____ (to be inserted by officer/server on copy left
2 with defendant or other person).

3 I certify that I served this summons on defendant(s) as follows:

4 (a)-(Individual defendants – Personal): (The officer or other person making service, shall (a) identify
5 as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the
6 place where (whenever possible in terms of an exact street address) and the date and time of the day when
7 the summons was left with the defendant).

8 (b)-(Individual defendants – Abode): By leaving a copy of the complaint at the usual place of each
9 individual defendant with a person of his family, of the age of 13 years or upwards, informing that person
10 of the contents of the summons. (The officer or other person making service, shall (a) identify as to sex,
11 race and approximate age of the person, other than the defendant, with whom he left the summons, and
12 (b) state the place where (whenever possible in terms of an exact street address) and the date and time of
13 day when the summons was left with such person). Service additionally allowed by sending a copy of the
14 summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each
15 individual defendant at his usual place of abode, as follows: Name of defendant Mailing Address Date of
16 mailing

17 (c)-(Corporate defendants): By leaving a copy and a copy of the complaint with the registered agent,
18 officer or agent of each defendant corporation, as follows: Defendant corporation Registered agent,
19 officer or agent Date of Service

20 (d)-(Other): _____

21 Sheriff of Sangamon County

22 By: _____
23 (Deputy)

24 Or: Authorized Process Server: _____
25 (Print Name)

26 Signature: _____

In The Circuit Court For the Seventh Judicial Circuit
Sangamon County, IL

Jason Nieman,

2012L 000059

vs.

Case No.: _____

Versuslaw, Inc., Joseph W. Acton, Yahoo,
Inc., Google, Inc., and Microsoft, Inc.

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Defendants

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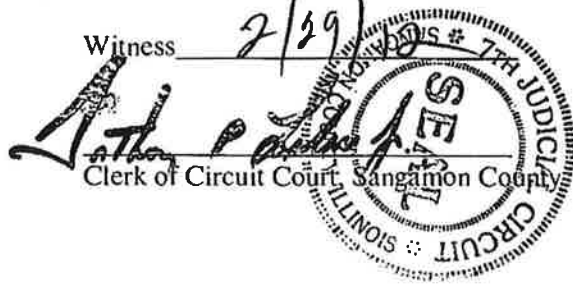
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Witness

2/29/12

(Seal of Court)



Jason L. Nieman

Jason L. Nieman, Plaintiff, Pro Se
1700 Windycrest Drive
Springfield, IL 62704
217 836 7126
Nieman46804@yahoo.com

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18 officer or agent of each defendant corporation, as follows: Defendant corporation Registered agent,
19 officer or agent Date of Service

20 (d)-(Other): _____

21 Sheriff of Sangamon County

22 By: _____
23 (Deputy)

24 Or: Authorized Process Server: _____
25 (Print Name)

26 Signature: _____
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FILED

CTR-4 FEB 29 2012

In The Circuit Court For the Seventh Judicial Circuit
Sangamon County, IL

Clerk of the
Circuit Court

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4 **Jason Nieman,**

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7 vs.

8 **Versuslaw, Inc., Joseph W. Acton, Yahoo,**
9 **Inc., Google, Inc., and Microsoft, Inc.**

10 **Defendants**

Case No.: **2012L 000059**

Judge: _____

Jury Trial Requested

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16 **PLAINTIFF'S FIRST COMPLAINT AT LAW**

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18 Now comes Plaintiff Jason Nieman ("Nieman"), *pro se*, subject to authorization granted
19 under Section 1654 of title 28 of the United States Code for self-representation, and the
20 constitutions of the United States of America and State of Illinois complaining against the
21 named Defendants for violations of Illinois statutory and/or common law, and violations of
22 United States statutory and/or common law.
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25 **NATURE OF ACTION, JURISDICTION, AND VENUE**

26 1. Plaintiff brings this action to redress violations under the Illinois Human Rights Act,
27 775 ILCS 5/, and Illinois common law. The Plaintiff is seeking damages in excess of
28 \$50,000.01 in this matter, along with injunctive and equitable relief which he is entitled to.
29 Additionally, litigation is proper in this district as the Plaintiff resides in Sangamon County, and
30 one or more of the tortious acts alleged occurred in this district.
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| Name | Charge #: |
|---------------------------|----------------|
| Google, Inc. | 440-2012-01864 |
| Microsoft, Inc. | 440-2012-01863 |
| Yahoo, Inc. | 440-2012-01862 |
| Leagle, Inc. | 440-2012-01626 |
| VersusLaw, Inc. | 440-2012-01624 |
| Justia, Inc. (Justia.com) | 440-2012-01622 |

Consistent with the covenants of the Illinois Human Rights Act, 775 ILCS 5/7A-102, these charges were “dual filed” with the Illinois Department of Human Rights. Plaintiff has attached copies of the charge filings as to the named Defendants as Plaintiff’s Complaint Exhibits A. Non-parties Justia, Inc. and Leagle, Inc. have cooperated with the Plaintiff as to removing the inappropriate material and have been excluded from this action at this time.

5. On February 6, 2012 the U.S. EEOC issued a notice of closing and “right to sue” in the present matter. The basis for the closure was “No Employer/Employee relationship.” The EEOC has opined by virtue of this determination that the federal statutes for which it is responsible and which are relevant to this matter, require such a relationship. Plaintiff has attached copies of the charge filings as to the named Defendants as Plaintiff’s Complaint Exhibits A-1.

6. On February 10, 2012 the Plaintiff delivered (by hand delivery and electronic communication) a copy of the “right to sue” letters for each Defendant and asked the IDHR to issue a determination accepting the EEOC’s determination, consistent with the language of 775 ILCS 5/7A-102(A-1)(3) the IDHR is required to take this action, and does not have discretion to choose not to so act. (“...shall notify the parties that the Department will adopt the EEOC’s determination as a dismissal for lack of substantial evidence unless the complainant requests in writing within 35 days after receipt of the Department’s notice that the Department review the EEOC’s determination.”) The determination letter is pending, but given that the IDHR does not

1 have discretion and is required to provide the determination, the required administrative
2 exhaustion and/or remedy, if any was required, has been met in this case.
3

4 PARTIES

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6 7. Plaintiff Nieman is a resident of Sangamon County, Illinois, and is a citizen of
7 the United States of America. Throughout the application process and events occurring
8 thereafter, one or more wrongful offenses were committed by the Defendants against the
9 Plaintiff in Sangamon County, by virtue of telephone, email, or written correspondence, or by
10 virtue of their internet "websites", servers, search engines, or similar electronic systems.
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13 8. Defendant Versuslaw, Inc. ("Versuslaw.") is a corporation domiciled in the
14 Seattle, Washington. Upon good faith and evidence, this corporation is a for profit entity that
15 regularly conducts business throughout the United States, including Sangamon County and the
16 other counties of Illinois. Defendant Versuslaw regularly "transacts business" in Sangamon
17 County, Illinois, and the rest of Illinois, by way of its for profit websites "Findacase.com" and
18 "Versuslaw.com" which are accessible directly, and which also interlink with various internet
19 browser engines such as Google.com, Yahoo.com, and Bing.com. The employees, executive
20 officers, and/or other agents of Versuslaw, Inc. committed one or more unlawful acts against the
21 Plaintiff in this matter, including acts prohibited by the Illinois Human Rights Act, 775 ILCS 5/
22 in Sangamon County, Illinois. At all relevant times, Defendant Versuslaw qualifies as an
23 "employer" subject to the provisions of the Illinois Human Rights Act, specifically section 775
24 ILCS 5/2-101 (B) (1). Additionally, these Defendants have submitted themselves to the
25 jurisdiction of the State of Illinois by virtue of bases including, but not limited to, the Illinois
26 Long Arm Statute, 735 ILCS 5/2-209, including subsections (1) and/or (2) of that statute.
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1 9. Upon good faith and knowledge, Defendant Joseph Walter Acton the President
2 and/or owner of Versuslaw, Inc. He maintains primary residence in the State of Washington.
3
4 This Defendant have submitted themselves to the jurisdiction of the State of Illinois by virtue of
5 bases including, but not limited to, the Illinois Long Arm Statute, 735 ILCS 5/2-209, including
6 subsections (1) and/or (2) of that statute as to violations of Illinois common law, and the Illinois
7 Human Rights Act, specifically section 775 ILCS 5/6-101.
8

9 10. Upon good faith and knowledge, Google, Inc. is a corporation principally
10 domiciled in the State of California. This entity maintains real estate and/or conducts for profit
11 business in the State of Illinois on a regular and continuing basis. Specifically, Defendant
12 Google, Inc. maintains an office in Chicago, IL, 60654. The Defendant also is incorporated in
13 Illinois and has a registered agent in this jurisdiction. This entity has submitted itself to the
14 jurisdiction of the State of Illinois pursuant to its supplemental domicile in Illinois, by way of
15 committing one or more violations of the ILHRA against a citizen of Illinois, and/or the Illinois
16 Long Arm Statute, 735 ILCS 5/2-209.
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20 11. Upon good faith and knowledge, Yahoo, Inc. is a corporation principally
21 domiciled in the State of California. This entity maintains real estate and/or conducts for profit
22 business in the State of Illinois on a regular and continuing basis. Specifically, this entity
23 maintains physical offices in Chicago, IL, and Bloomington, IL 61704. The Defendant also is
24 incorporated in Illinois and has a registered agent in this jurisdiction This entity has submitted
25 itself to the jurisdiction of the State of Illinois by virtue of supplemental domicile in Illinois,
26 pursuant to the IHRA, and/or the Illinois Long Arm Statute, 735 ILCS 5/2-209.
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30 12. Upon good faith and knowledge, Microsoft, Inc. is a corporation principally
31 domiciled in the State of Washington. This entity maintains real estate and/or conducts for
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1 profit business in the State of Illinois on a regular and continuing basis. Specifically, this entity
2 maintains its Midwest District office in Downers Grove, IL. The Defendant also is incorporated
3 in Illinois and has a registered agent in this jurisdiction. This entity has submitted itself to the
4 jurisdiction of State of Illinois by virtue of supplemental domicile in Illinois, pursuant to the
5 IHRA, and/or the Illinois Long Arm Statute, 735 ILCS 5/2-209.
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8 FACTS

9 13. Plaintiff Nieman is an insurance claims industry professional with over twenty
10 years of direct experience. He carries an impressive background in terms of educational
11 credentials and experience, even by the most stringent measure of peers of similar or much
12 greater tenure in the claims realm. Plaintiff received an undergraduate degree in finance from a
13 major state university, and later secured the insurance industry educational designations of
14 Associate In Claims (AIC), Chartered Property Casualty Underwriter (CPCU), Associate in
15 Management (AIM), Associate in Risk Management (ARM), and Senior Claim Law Associate
16 (SCLA) during approximately twenty years of educational and career development. Plaintiff is
17 currently in process of completing his Master's in Business Administration at the University of
18 Illinois at Springfield, carrying a 3.93 grade point average for coursework completed to date.
19 He is currently expected to graduate in May of 2012 from that program. The Plaintiff is not a
20 celebrity, elected official, or public figure such that his personal or professional activities as to
21 the activities and/or history at issue cannot reasonably be construed as part of the public interest
22 in any way.
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28 14. It is a matter of public record that during the period of November 2009 through
29 March 2011 the Plaintiff took part in active litigation against his former employer, Nationwide
30 Mutual Insurance Company, and several related defendants. This litigation included filings in
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1 the courts of the State of Illinois as well as the federal courts of Illinois as to the direct action(s),
2 and the federal courts of Oklahoma and Colorado as to filings related to discovery activities,
3 such as subpoenas and related motion practice. The allegations present in the complaint(s)
4 included allegations related to perceived violations of state and/or federal law, including Title
5 VII (42 U.S.C. § 2000e et seq.), and The Civil Rights Act of 1866, as amended, 42 U.S.C. §
6 1981 related to discrimination and/or retaliation that the Plaintiff alleged that he suffered at the
7 hands of the defendants. The parties agreed to “amicably conclude” their dispute in February of
8 2011 subsequent to a settlement conference held before the federal magistrate in Springfield, IL.
9 The various cases were voluntarily dismissed by the Plaintiff shortly thereafter. At no time
10 during the complaint, charge, and/or litigation phase of these actions were any of the Plaintiff’s
11 actions ruled by a court, regulatory body, or administrative law judge to be frivolous, vexatious,
12 or without merit in any way.
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18 15. In approximately January of 2009, the Plaintiff discovered that certain internet
19 websites were linking copies of information related to the litigation to his common name such
20 that a simple internet browser search (“Googling someone”) would provide immediate results
21 that referenced one or more of the filings or rulings in the active litigation. Rather than linking
22 his name to significant rulings, such as appellate decisions or even trial court summary
23 judgment rulings, the links included attachments to rulings on matters as common as a
24 stipulated motion to quash a subpoena. Through some research, the Plaintiff determined that
25 that these references were occurring by way of paid legal search websites such as
26 Lexis/Nexis.com, Justia.com, Leagle.com, and Versuslaw.com (and/or its related site,
27 Findacase.com). These entities secure the case information and related documents by way of
28 sites such as PACER and then “mirror” it on to the internet by way of their sites and servers.
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1 The use of these sites to commercialize information from the state and federal databases was
2 obviously never authorized as part of their creation, or continuing maintenance.
3

4 16. In the period between January 2009 and the date of the filing of this action, the
5 Plaintiff had applied for one or more positions of employment. The Plaintiff is under good faith
6 and belief that consistent with common industry and individual practice, one or more persons
7 with influence as to the hiring of such positions have completed internet browser searches by
8 way of Google.com, Yahoo.com, or Bing.com, and have identified the Plaintiff's prior protected
9 conduct. The Plaintiff is under further good faith and belief that one or more of these persons
10 used this information to disqualify him from candidacy for the applied for position, unlawfully,
11 or have shared this information with others who have done so. Effectively, the evidence
12 supports a conclusion that the Plaintiff has been effectively "blacklisted" as to employment
13 opportunities due to the ease at which these references appear pursuant to a simple name search,
14 and due to the unlawful acts of third parties who then use such information to unlawfully
15 disqualify the Plaintiff's candidacy.
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20 17. In two particular examples, the Plaintiff was obviously the most qualified person
21 for the position and was subsequently disqualified under suspicious circumstances. In one of
22 these cases the Defendants have admitted to having learned of the Plaintiff's protected conduct
23 immediately prior to choosing to disqualify him from candidacy. The full details of the
24 Defendants' knowledge and how they came to acquire it are still in the process of inquiry by
25 way of a separate matter of litigation which is currently pending. (Contrary to his desire and
26 best efforts, the parties in these separate issues have been unable to come to an agreement as to
27 the issues and the Plaintiff was forced to file separate actions of litigation against these
28 defendants. These cases are currently pending in the Central District of Illinois).
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1 18. The Plaintiff has hoped that as time passed, and subsequent to the conclusion of the
2 prior litigation, that the references would slowly fade down the search results and would no
3 longer provide any impediment to his lawful and appropriate career aspirations. Unfortunately,
4 this has not occurred. The references have continued to show up aggressively any time a search
5 is done as to the Plaintiff's name ("Jason Nieman", "Jason L Nieman" or "Jason Lee Nieman").
6 The Plaintiff herein has attached Plaintiff's Complaint Exhibits B which includes printouts from
7 the various web browsers (Yahoo, Bing (Microsoft) and Google) showing these detailed
8 references. The references are highly specific and the evidence supports a conclusion that they
9 likely cause a viewer to do additional research as to the specifics of the Plaintiff's protected
10 conduct.
11

12 19. Given that the Plaintiff has been forced to file additional actions so as to defend
13 his rights, his career, and his name, and given that these cases are also pending in the federal
14 courts, it is only a matter of time before additional references will begin to appear as to a simple
15 name search completed on the Plaintiff. Moreover, the various Defendants have not shown that
16 they are taking part in any activity that serves the public interest by virtue of the questioned
17 conduct, and are not journalists, subject to any sort of protection or waiver as to the subject
18 matter in question. Rather, each Defendant is a for profit commercial entity simply choosing to
19 trammel on the protected rights of the Plaintiff for their own commercial gain.
20

21 20. Given the seriousness of the issues, the damage that the Plaintiff believed he had
22 and would continue to suffer, and as the references were not decaying over time, the Plaintiff
23 took affirmative efforts to contact the website owners from which the search results were
24 generating from by contacting them in late 2011. At the time of contact, some of the references
25 had been unilaterally removed by the sites prior to the Plaintiff's contact. The premier websites
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1 such as Lexis/Nexis, Westlaw, and Loislaw no longer contained any browser linkage. It is
2 likely that the operators recognized the improper consequences of mirroring case activity as to
3 protected conduct and moved affirmatively to remove the references. However, the less
4 sophisticated and apparently less expensive versions of the legal search community had not
5 apparently recognized this issue, or were refusing to act upon it. Based upon use of the
6 common browsers of Yahoo, Google, and Bing, the Plaintiff found references from several
7 sources: Justia, Inc. (Justia.com), Versuslaw, Inc. (Findacase.com and Versuslaw.com), and
8 Leagle, Inc. (Leagle.com) The Plaintiff contacted the organizations and the search engine
9 owners by email and/or by letter, and asked that the entities “delink” the information from the
10 website servers to the search engines, at least as to information that would be revealed by a
11 common name search. Initially, the entities did not respond, or were not cooperative. In
12 particular, Defendant Versuslaw, Inc. responded overtly, refusing to take any corrective action.
13 The response indicate that the links would only be blocked based upon sealing of the files
14 and/or court order. Please see Plaintiff’s Complaint Exhibit C, attached.
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21 21. Subsequently the Plaintiff also received a response from Google, Inc. asserting that
22 the websites retained all responsibility for the content found on the search results. However,
23 Google also indicated that it would be a fairly easy process for the website to remove the data,
24 apparently at little or no cost to the website owner. See Plaintiff’s Complaint Exhibit D,
25 attached. Notwithstanding, the various search providers (Google, Yahoo, and Microsoft (Bing))
26 have historically often agreed to “delink” or block certain content or websites in the United
27 States, and elsewhere. Google’s agreement to highly censor its results in China is an example
28 of how easy it is for them to manipulate their results. Despite this, and despite the nature of the
29 content in this case being related to conduct which is protected under federal and Illinois state
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1 laws, the Defendants have chosen to do nothing. Accordingly, by virtue of their actions or
2 inactions they are aiding and abetting those who would seek to discriminate and/or retaliate
3 against those who have lawfully asserted their rights in a protected employment context.
4

5 22. As previously enumerated at items 4 through 6, the Plaintiff followed the
6 required administrative process and filed charges with the U.S. EEOC and with the Illinois
7 Department of Human Rights. A "right to sue" was issued as to each charged party, including
8 each named Defendant, on February 6, 2012. Within one to two days of receiving these notices,
9 the Plaintiff contacted the various parties one last time prior to filing of litigation to see if some
10 type of compromise would be possible. Within a few days of this request the Plaintiff finally
11 received responses from two of the respondents, Leagle.com (Leagle, Inc.) and Justia.com
12 (Justia, Inc.) Representatives for both of these entities confirmed that they would cooperate
13 with removal of the offending references by way of a "robots exclusion protocol", similar to the
14 one referenced by Google, Inc. in its response. (See Plaintiff's Complaint Exhibit E, attached).
15 The Plaintiff performed browser searches shortly thereafter and found that the parties had
16 removed the links, true to their word. This action seemingly took very little time and little to
17 no expense as to the entities in question.
18

19 23. As of this time, the only remaining offending links can be attributed to
20 Defendant Versuslaw, Inc., and its owner, Joseph W. Acton. However, the search providers
21 also clearly had the ability to delink such information as to all such websites all along, and
22 chose to force the Plaintiff to expend great time and effort to achieve even partial relief. Going
23 forward, only by way of their full participation can there be assurance that these types of
24 references have indeed been permanently eliminated.
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1 **COUNT I (Versuslaw, Inc. and Joseph W. Acton): Violations of the Illinois Human**
2 **Rights Act 775 ILCS 5/**

3 24. The Plaintiff restates and re-alleges by reference paragraphs 1 through 23 as if
4 fully set forth herein against Defendants Versuslaw and Acton. Defendants Versuslaw and
5 Acton, through their Versuslaw.com and Findacase.com are engaged in a commercial for-profit
6 enterprise related to
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8 25. The Plaintiff has provided the Defendants with appropriate notice that their
9 historic and continuing actions are violative of the spirit and the letter of the Illinois Human
10 Rights Act. Specifically, he has shown that the entities actions in publicizing the Plaintiff's
11 protected conduct without justification acts to aid and/or abet those who would seek to retaliate
12 or discriminate against the Plaintiff for taking part in protected employment activities, and that
13 their continuing refusal to remove such references or links constitute retaliation as to his prior
14 protected conduct. These acts are specifically violative of the ILHRA at 775 ILCS 5/6-101 (A)
15 and/or (B).
16

17 26. On February 15, 2012, the Plaintiff directly informed Defendant Acton, Chief
18 Executive Officer of Defendant Versuslaw, Inc. of the issues present in this matter and asked
19 him to direct his staff to take corrective action. (Such communication sent through Defendant
20 Versuslaw at vsl.cs01@versuslaw.com, the email address he had received prior correspondence
21 from, as to this Defendant), and/or by regular U.S. mail. Defendant Acton has refused to
22 respond or to take corrective action, exposing himself to personal liability in this matter.
23

24 27. Because of the actions and/or inactions of the Defendants, the Plaintiff has
25 suffered damages because of the Defendants' conduct by way of its employees, executive
26 officers, or agents, such damages including, but not necessarily limited to causing him and his
27 family significant mental anguish, humiliation, degradation, physical and emotional pain and
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1 suffering, inconvenience, lost wages and executive incentives, lost employment benefits, lost
2 future promotional opportunities and future pecuniary losses within potential employers,
3 unfounded damage to his personal and professional business reputation. and other consequential
4 damages.
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6
7 **WHEREFORE**, Plaintiff respectfully requests:

- 8 A. Compensatory damages in an amount to be determined at trial to
9 compensate Plaintiff for the depression, humiliation, anguish, emotional
10 distress, bodily injury, unfounded damage to his personal and/or
11 professional business reputation, and financial hardship brought about by
12 their actions, caused by the Defendant's conduct, along with other
13 appropriate consequential damages. Plaintiff requests that Defendants be
14 required to pay prejudgment interest to the Plaintiff on these damages;
15 B. That because of the egregious and extreme nature of the conduct alleged,
16 and because of the need and desire to prevent and punish such conduct to
17 prevent its recurrence, the Plaintiff specifically seeks punitive damages as
18 allowed under The Illinois Human Rights Act (775 ILCS 5/), and/or Illinois
19 common law;
20 C. A permanent injunction enjoining Defendant(s) or their employees,
21 executive officers, or agents from engaging in the discriminatory,
22 retaliatory practices, illegal and/or unethical conduct complained of herein.
23 D. A permanent injunction requiring Defendant to adopt practices and policies
24 in accord and conformity with the requirements of the IHRA.
25 E. The Court retain jurisdiction of this case until such time as it is assured that
26 the Defendants have remedied the policies and practices complained of
27 herein and is determined to be in full compliance with the law;
28 F. An award of reasonable attorney's fees, costs, and litigation expenses, as
29 provided under The Illinois Human Rights Act (775 ILCS 5/), and/or
30 Illinois common law;
31 G. Such other relief as the Court may deem just or equitable.
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COUNT II (Versuslaw, Inc. and Joseph W. Acton): Commercial Misappropriation

1
2 28. The Plaintiff restates and re-alleges by reference paragraphs 1 through 23 and 24
3 through 27, as if fully set forth herein against Defendants Versuslaw and Acton.

4
5 29. In his communications, the Plaintiff also notified the Defendants that they were
6 misappropriating his identity for commercial purposes, in violation of Illinois common law. In
7 asserting this position, the Plaintiff relied upon *Schivarelli and H.D. Stands, LLC v. CBS, Inc. et*
8 *al.*, IL 1st Dist. 8/16/2002, in his assertion to the Defendants.

9
10 30. Despite being informed of their improper acts, the Defendants have refused to
11 take corrective action and/or to cease and desist from such unlawful conduct.

12
13 31. Because of the actions and/or omissions of the Defendants, the Plaintiff has
14 suffered damages because of the Defendants' conduct by way of its employees, executive
15 officers, or agents, such damages including, but not necessarily limited to causing him and his
16 family significant mental anguish, humiliation, degradation, physical and emotional pain and
17 suffering, inconvenience, lost wages and executive incentives, lost employment benefits, lost
18 future promotional opportunities and future pecuniary losses within potential employers,
19 unfounded damage to his personal and professional business reputation. and other consequential
20 damages.

21
22 **WHEREFORE**, Plaintiff respectfully requests:

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24
25
26 A. Compensatory damages in an amount to be determined at trial to
27 compensate Plaintiff for the depression, humiliation, anguish, emotional
28 distress, bodily injury, unfounded damage to his personal and/or
29 professional business reputation, and financial hardship brought about by
30 their actions, caused by the Defendant's conduct, along with other
31 appropriate consequential damages. Plaintiff requests that Defendants be
32 required to pay prejudgment interest to the Plaintiff on these damages;

- 1 B. That because of the egregious and extreme nature of the conduct alleged,
- 2 and because of the need and desire to prevent and punish such conduct to
- 3 prevent its recurrence, the Plaintiff specifically seeks punitive damages as
- 4 allowed under Illinois common law.
- 5 C. A permanent injunction enjoining Defendant(s) or their employees,
- 6 executive officers, or agents from engaging in the discriminatory,
- 7 retaliatory practices, illegal and/or unethical conduct complained of herein.
- 8 D. The Court retain jurisdiction of this case until such time as it is assured that
- 9 the Defendants have remedied the policies and practices complained of
- 10 herein and is determined to be in full compliance with the law;
- 11 E. An award of, costs, and litigation expenses, as provided under and/or
- 12 Illinois common law;
- 13 F. Such other relief as the Court may deem just or equitable.
- 14

15 **COUNT III (Google, Inc., Yahoo, Inc., Microsoft, Inc.): Violations of the Illinois**
16 **Human Rights Act 775 ILCS 5/**

17 32. The Plaintiff restates and re-alleges by reference paragraphs 1 through 23 as if
18 fully set forth herein against Defendants Google, Microsoft, and Yahoo.

19 33. The Plaintiff has provided the Defendants with several written notifications as to
20 the nature of the unlawful conduct being committed by certain websites, and by virtue of their
21 browser “robots” which link such references to their software during name searches. The
22 Plaintiff has sent these notices and requests to the Defendants by way of electronic mail,
23 through their own email forms or by way of verified email addresses, and/or by U.S. mail.
24 Despite these reasonable efforts the Defendants have refused to cooperate in bringing about
25 cessation of this improper conduct.
26
27
28

29 34. The Plaintiff has also shown that the costs of remedial action would be nominal,
30 particularly in light of the historic and likely future damage to his reputation and career
31 opportunities that such improper conduct will continue to cause. The Defendants have provided
32

1 no good basis for refusing to take remedial action, choosing to lay blame on the owners of the
2 various websites rather than taking personal responsibility for unlawful retaliation which they
3 are helping to aid and/or abet by virtue of their computer systems.
4

5 35. The Plaintiff has provided the Defendants with appropriate notice that their
6 historic and continuing actions are violative of the spirit and the letter of the Illinois Human
7 Rights Act. Specifically, he has shown that the entities actions in publicizing the Plaintiff's
8 protected conduct without justification acts to aid and/or abet those who would seek to retaliate
9 or discriminate against the Plaintiff for taking part in protected employment activities, and that
10 their continuing refusal to remove such references or links constitute retaliation as to his prior
11 protected conduct. These acts are specifically violative of the ILHRA at 775 ILCS 5/6-101 (A)
12 and/or (B).
13
14
15

16 36. Because of the actions and/or inactions of the Defendants, the Plaintiff has
17 suffered damages because of the Defendants' conduct by way of its employees, executive
18 officers, or agents, such damages including, but not necessarily limited to causing him and his
19 family significant mental anguish, humiliation, degradation, physical and emotional pain and
20 suffering, inconvenience, lost wages and executive incentives, lost employment benefits, lost
21 future promotional opportunities and future pecuniary losses within potential employers,
22 unfounded damage to his personal and professional business reputation. and other consequential
23 damages.
24
25
26

27 **WHEREFORE**, Plaintiff respectfully requests:

- 28
29 A. Compensatory damages in an amount to be determined at trial to compensate
30 Plaintiff for the depression, humiliation, anguish, emotional distress, bodily
31 injury, unfounded damage to his personal and/or professional business
32 reputation, and financial hardship brought about by their actions, caused by

1 the Defendant's conduct, along with other appropriate consequential
2 damages. Plaintiff requests that Defendants be required to pay prejudgment
3 interest to the Plaintiff on these damages;

4 B. That because of the egregious and extreme nature of the conduct alleged, and
5 because of the need and desire to prevent and punish such conduct to prevent
6 its recurrence, the Plaintiff specifically seeks punitive damages as allowed
7 under The Illinois Human Rights Act (775 ILCS 5/), and/or Illinois common
8 law;

9 C. A permanent injunction enjoining Defendant(s) or their employees,
10 executive officers, or agents from engaging in the discriminatory,
11 retaliatory practices, illegal and/or unethical conduct complained of herein.

12 D. A permanent injunction requiring Defendant(s) to adopt practices and
13 policies in accord and conformity with the requirements of the IHRA.

14 E. The Court retain jurisdiction of this case until such time as it is assured that
15 the Defendants have remedied the policies and practices complained of
16 herein and is determined to be in full compliance with the law;

17 F. An award of reasonable attorney's fees, costs, and litigation expenses, as
18 provided under The Illinois Human Rights Act (775 ILCS 5/), and/or
19 Illinois common law;

20 G. Such other relief as the Court may deem just or equitable.
21

22 **COUNT IV (Google, Inc., Yahoo, Inc., Microsoft, Inc.): Commercial Misappropriation**

23
24 37. The Plaintiff restates and re-alleges by reference paragraphs 1 through 23 and 32
25 through 36, as if fully set forth herein against Defendants Google, Yahoo, and Microsoft.

26 38. In his communications, the Plaintiff also notified the Defendants that they were
27 misappropriating his identity for commercial purposes, in violation of Illinois common law. In
28 asserting this position, the Plaintiff relied upon *Schivarelli and H.D. Stands, LLC v. CBS, Inc. et*
29 *al*, IL 1st Dist. 8/16/2002 in his assertion to the Defendants.
30
31
32

1 39. Despite being informed of their improper acts, the Defendants have refused to
2 take corrective action and/or to cease and desist from such unlawful conduct.
3

4 40. Because of the actions and/or omissions of the Defendants, the Plaintiff has
5 suffered damages because of the Defendants' conduct by way of its employees, executive
6 officers, or agents, such damages including, but not necessarily limited to causing him and his
7 family significant mental anguish, humiliation, degradation, physical and emotional pain and
8 suffering, inconvenience, lost wages and executive incentives, lost employment benefits, lost
9 future promotional opportunities and future pecuniary losses within potential employers,
10 unfounded damage to his personal and professional business reputation. and other consequential
11 damages.
12
13
14

15 **WHEREFORE**, Plaintiff respectfully requests:

- 16 A. Compensatory damages in an amount to be determined at trial to compensate
17 Plaintiff for the depression, humiliation, anguish, emotional distress, bodily
18 injury, unfounded damage to his personal and/or professional business
19 reputation, and financial hardship brought about by their actions, caused by
20 the Defendant's conduct, along with other appropriate consequential
21 damages. Plaintiff requests that Defendants be required to pay prejudgment
22 interest to the Plaintiff on these damages;
23
- 24 B. That because of the egregious and extreme nature of the conduct alleged, and
25 because of the need and desire to prevent and punish such conduct to prevent
26 its recurrence, the Plaintiff specifically seeks punitive damages as allowed
27 under Illinois common law.
- 28 C. A permanent injunction enjoining Defendant(s) or their employees, executive
29 officers, or agents from engaging in the discriminatory, retaliatory practices,
30 illegal and/or unethical conduct complained of herein.
31
32

1 D. The Court retain jurisdiction of this case until such time as it is assured that
2 the Defendants have remedied the policies and practices complained of
3 herein and is determined to be in full compliance with the law;

4 E. An award of, costs, and litigation expenses, as provided under and/or Illinois
5 common law;

6 F. Such other relief as the Court may deem just or equitable.
7

8 **COUNT V (Versuslaw, Inc. and Joseph W. Acton) Violations of The Civil Rights Act of**
9 **1866, as amended, 42 U.S.C. § 1981.**

10
11 41. The Plaintiff restates and re-alleges by reference paragraphs 1 through 31 as if
12 fully set forth herein against Defendants Versuslaw and Acton.

13
14 42. As the Plaintiff's prior protected conduct included aspects and allegations related
15 to The Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981, and as the alleged retaliation is
16 and/or has been related to such conduct under that statute, the Defendants retaliatory conduct is
17 also prohibited by, and actionable under, 42 U.S.C. § 1981.
18

19 43. The Plaintiff and his family have suffered damages because of the Defendant's
20 conduct, such damages including, but not necessarily limited to causing him and his family
21 significant mental anguish, humiliation, degradation, physical and emotional pain and suffering,
22 inconvenience, lost wages and executive incentives, lost employment benefits, lost future
23 promotional opportunities and future pecuniary losses, and unfounded damage to his personal
24 and professional business reputation by virtue of their improper and unwarranted publication as
25 to protected conduct. The Defendants' conduct in refusing to take remedial action after having
26 been advised of the negative impact and damages to the Plaintiff has been severe and
27 outrageous and warrants the award of punitive damages, allowed for under the acts.
28
29
30
31
32

1 **WHEREFORE**, Plaintiff respectfully requests:

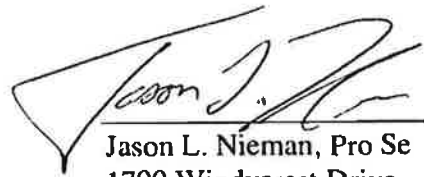
- 2
- 3 A. Compensatory damages in an amount to be determined at trial to
- 4 compensate Plaintiff for the depression, humiliation, anguish, emotional
- 5 distress, bodily injury, unfounded damage to his personal and/or
- 6 professional business reputation, and financial hardship brought about by
- 7 their actions, caused by the Defendant's conduct, along with other
- 8 appropriate consequential damages. Plaintiff requests that Defendants be
- 9 required to pay prejudgment interest to the Plaintiff on these damages;
- 10 B. That because of the egregious and extreme nature of the conduct alleged,
- 11 and because of the need and desire to prevent and punish such conduct to
- 12 prevent its recurrence, the Plaintiff specifically seeks punitive damages as
- 13 allowed under Section 1981.
- 14 C. A permanent injunction enjoining Defendant(s) or their employees,
- 15 executive officers, or agents from engaging in the discriminatory,
- 16 retaliatory practices, illegal and/or unethical conduct complained of herein.
- 17 D. A permanent injunction requiring Defendant to adopt practices and policies
- 18 in accord and conformity with the requirements of Title VII;
- 19 E. Equitable relief by way of requiring the Defendant to immediately offer
- 20 employment to the Plaintiff at the same general level of position and
- 21 compensation or higher.
- 22 F. An award of, costs, and litigation expenses, as provided under 42 U.S.C.
- 23 1988.
- 24 G. The Court retain jurisdiction of this case until such time as it is assured that
- 25 the Defendants have remedied the policies and practices complained of
- 26 herein and is determined to be in full compliance with the law;
- 27
- 28
- 29
- 30
- 31
- 32

- 1 B. That because of the egregious and extreme nature of the conduct alleged,
2 and because of the need and desire to prevent and punish such conduct to
3 prevent its recurrence, the Plaintiff specifically seeks punitive damages as
4 allowed under Title VII and Section 1981 against the Defendants.
- 5 C. A permanent injunction enjoining Defendant(s) and/or their employees,
6 executive officers, or agents from engaging in the discriminatory,
7 retaliatory practices, illegal and/or unethical conduct complained of herein.
- 8 D. A permanent injunction requiring Defendant to adopt practices and policies
9 in accord and conformity with the requirements of Title VII;
- 10 E. Equitable relief by way of requiring the Defendant to immediately offer
11 employment to the Plaintiff at the same general level of position and
12 compensation or higher.
- 13 F. An award of, costs, and litigation expenses, as provided under 42 U.S.C.
14 1988.
- 15 G. The Court retain jurisdiction of this case until such time as it is assured that
16 the Defendants have remedied the policies and practices complained of
17 herein and is determined to be in full compliance with the law;
18

19 I declare under penalty of perjury that the foregoing is true and correct to the best of my
20 knowledge.
21

22 Dated: February 29, 2012

23
24
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32



Jason L. Nieman, Pro Se
1700 Windycrest Drive
Springfield, IL 62704
217 836 7126
Nieman46804@yahoo.com

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

7

DISMISSAL AND NOTICE OF RIGHTS

To: Jason L. Nieman
1700 Windycrest Drive
Springfield, IL 62704

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

| EEOC Charge No. | EEOC Representative | Telephone No. |
|-----------------|---------------------------------|----------------|
| 440-2012-01624 | Bradley Levine, Investigator | (312) 869-8175 |

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

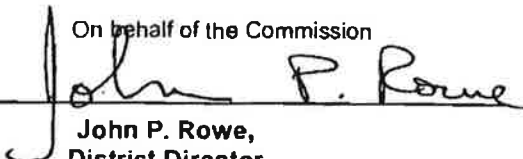
- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state) **No Employee Employer relationship.**

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission

 John P. Rowe,
 District Director

2/6/12
(Date Mailed)

cc: VERSUSLAW, INC.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jason L. Nieman**
1700 Windcrest Drive
Springfield, IL 62704

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2012-01864

Bradley Levine,
Investigator

(312) 869-8175

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

No Employee Employer relationship.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John P. Rowe
John P. Rowe,
District Director

2/6/12
 (Date Mailed)

Enclosures(s)

cc: **GOOGLE INC.**

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Jason L. Nieman
1700 Windycrest Drive
Springfield, IL 62704

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

Empty checkbox

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2012-01863

Bradley Levine,
Investigator

(312) 869-8175

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

Empty checkbox

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Empty checkbox

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

Empty checkbox

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Empty checkbox

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

Empty checkbox

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

Empty checkbox

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Checked checkbox (X)

Other (briefly state) No Employee Employer relationship.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Handwritten signature of John P. Rowe

John P. Rowe,
District Director

Handwritten date 2/6/12

(Date Mailed)

Enclosures(s)

cc: MICROSOFT, INC.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Jason L. Nieman**
1700 Windycrest Drive
Springfield, IL 62704

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2012-01862

Bradley Levine,
Investigator

(312) 869-8175

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Other (briefly state)

No Employee Employer relationship.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John P. Rowe

John P. Rowe,
District Director

2/6/12

(Date Mailed)

Enclosures(s)

cc: **YAHOO, INC.**

(A-1)

EEOC Form 5 (11/09)

| | |
|---|---|
| CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small> | Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 440-2012-01624 |
|---|---|

Illinois Department Of Human Rights and EEOC
State or local Agency, if any

| | | |
|--|---|-------------------------------------|
| Name (indicate Mr., Ms., Mrs.) Mr. Jason L. Nieman | Home Phone (Incl. Area Code) (217) 836-7126 | Date of Birth ██████-1967 |
|--|---|-------------------------------------|

Street Address City, State and ZIP Code
1700 Windycrest Drive, Springfield, IL 62704

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

| | | |
|--------------------------------|--|--|
| Name VERSUSLAW, INC. | No. Employees, Members Unknown | Phone No. (Include Area Code) (425) 250-0142 |
|--------------------------------|--|--|

Street Address City, State and ZIP Code
P.O. Box 1435, Bellevue, WA 98009

| | | |
|------|------------------------|-------------------------------|
| Name | No. Employees, Members | Phone No. (Include Area Code) |
|------|------------------------|-------------------------------|

Street Address City, State and ZIP Code

| | |
|--|---|
| DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) | DATE(S) DISCRIMINATION TOOK PLACE Earliest _____ Latest 12-31-2011 <input checked="" type="checkbox"/> CONTINUING ACTION |
|--|---|

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was involved in corresponding with Respondent on or around December 31, 2011. I asked for them to remove content with my name in connection to an EEOC related lawsuit. They refused.

I believe I have been retaliated/discriminated against because of my prior protected conduct as to Title VII of 1964, as amended, including 775 ILCS 5/6-101.

I also believe I have been retaliated/discriminated because of my prior conduct as to the Age Discrimination in Employment Act of 1967, and the IHRA.

FEB 02 2012

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.


X 2/2/2012 X Jason L. Nieman
Date Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
 SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)


EEOC Form 5 (11/09)

| | | | |
|---|--|--|---|
| <p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p> | | <p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p> <p align="right">440-2012-01864</p> | |
| <p align="center">Illinois Department Of Human Rights and EEOC</p> <p align="center"><small>State or local Agency, if any</small></p> | | | |
| <p>Name (indicate Mr., Ms., Mrs.)</p> <p>Mr. Jason L. Nieman</p> | | <p>Home Phone (incl. Area Code)</p> <p>(217) 836-7126</p> | <p>Date of Birth</p> <p>[REDACTED]-1967</p> |
| <p>Street Address City, State and ZIP Code</p> <p>1700 Windycrest Drive, Springfield, IL 62704</p> | | | |
| <p>Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</p> | | | |
| <p>Name</p> <p>GOOGLE INC.</p> | | <p>No. Employees, Members</p> <p>500 or More</p> | <p>Phone No. (Include Area Code)</p> <p>(650) 253-0000</p> |
| <p>Street Address City, State and ZIP Code</p> <p>1600 Amphitheatre Parkway, Mountain View, CA 94043</p> | | | |
| <p>Name</p> | | <p>No. Employees, Members</p> | <p>Phone No. (Include Area Code)</p> |
| <p>Street Address City, State and ZIP Code</p> | | | |
| <p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p><input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER (Specify)</p> | | <p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p>Earliest Latest</p> <p align="right">12-31-2011</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION</p> | |
| <p>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):</p> <p>I was involved in corresponding with Respondent on or around December 31, 2011. I asked for them to remove content with my name in connection to an EEOC related lawsuit. They refused.</p> <p>I believe I have been retaliated/discriminated against because of my prior protected conduct as to Title VII of 1964, as amended, including 775 ILCS 5/8-101.</p> <p>I also believe I have been retaliated/discriminated because of my prior conduct as to the Age Discrimination in Employment Act of 1967, and the IHRA.</p> <p align="right">FEB 02 2012</p> | | | |
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> | | <p>NOTARY - When necessary for State and Local Agency Requirements</p> | |
| <p>I declare under penalty of perjury that the above is true and correct.</p> | | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> | |
| <p>x 2/2/2012 x </p> <p>Date Charging Party Signature</p> | | <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p> | |

EEOC Form 5 (11/09)

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| Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small> | | | |
| Name (Indicate Mr., Ms., Mrs.) Mr. Jason L. Nieman | | Home Phone (Incl. Area Code) (217) 725-1840 | Date of Birth [REDACTED]-1967 |
| Street Address City, State and ZIP Code 1700 Windycrest Drive, Springfield, IL 62704 | | | |
| Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name YAHOO! INC | | No. Employees, Members 500 or More | Phone No. (Include Area Code) (408) 349-3300 |
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| DISCRIMINATION BASED ON (Check appropriate box(es).) | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest _____ 12-31-2011 | |
| <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____ | | <input checked="" type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): | | | |
| <p>I was involved in corresponding with Respondent on or around December 31, 2011. I asked for them to remove content with my name in connection to an EEOC related lawsuit. They refused.</p> <p>I believe I have been retaliated/discriminated against because of my prior protected conduct as to Title VII of 1964, as amended, including 775 ILCS 5/6-101.</p> <p>I also believe I have been retaliated/discriminated because of my prior conduct as to the Age Discrimination in Employment Act of 1967, and the IHRA.</p> <p style="text-align: right; font-weight: bold; font-size: 1.2em;">FEB 0 2 2012</p> | | | |
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| I declare under penalty of perjury that the above is true and correct. | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. | |
| _____ Date Charging Party Signature | | SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |

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| Street Address City, State and ZIP Code 1700 Windycrest Drive, Springfield, IL 62704 | | | |
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Barbara L Neiman; Jason L Knight; Full Report Jerry W Neiman: 55 Lexington, VA; New Smyrna Beach, FL; Edgewater, FL; Mary Elizabeth Nieman; Joseph L Nieman
www publicrecords com/people-search+records/jerod-neiman

1 2 3 4 5 Next

jason l nieman



Print

Page 1 of 5

C

Subject: RE: Linkage of Plaintiff's Names To Google et al in EEO Matters (LTK53206987045X)
From: VersusLaw Customer Service (vsl.cs01@versuslaw.com)
To: nieman46804@yahoo.com;
Cc: vsl.cs02@versuslaw.com;
Date: Friday, December 30, 2011 1:42 PM

Thank you for contacting us.

We have generated a support ticket to help us track your inquiry. Your ticket code is LTK53206987045X. Please use this code in any further communication.

Dear Mr. Nieman -- Content carried on this site is public information, and is acquired from courts in all states and federal jurisdictions. The entirety of this information constitutes a set of documents held in the public domain, which collectively form an appellate record. We maintain this set of documents to serve the public in matters of legal research. FindACase(tm) is one of many online and print sources for such cases.

To ensure the continued utility of this public domain resource, we will not remove a record from the public domain, which includes search engine indexes, nor will we redact any portion of it, without a court order from an appropriate court of authority.

When a court "seals" a decision, it does not intend to remove it from the appellate record. It intends, rather, to direct its own personnel, typically the Clerk of the Court, to cease making that opinion available to the public through the court, i.e., it will no longer be available at the Court's counter and will no longer be available electronically on the Court's system. "Sealing" a document does not remove the opinion from the appellate record, especially in the instance of an opinion which has received a citation.

If the document you want removed has a formal citation, we will not remove the document, i.e., a formal citation implies the case has been printed in one or more case law reporters and circulated to law libraries all over the United States. In such a case, removing the case from our servers does not remove it from the public domain; it merely disadvantages our users by leaving a hole in the appellate record.

Please don't threaten us with a lawsuit. We are a private company carrying public domain documents released by government entities to the public; we carry nothing that is not in the public domain. Other private companies carry these same documents and we all do so under the protection of the First Amendment.

In case this email does not fully answer your question, or you would like to contact us for any reason, simply reply to this email.

Best regards,

FindACase Customer Service

=====

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Page 2 of 5

Subject: Linkage of Plaintiff's Names To Google et al in EEO Matters

Jason Nieman
1700 Windycrest Drive
Springfield, IL 62704
217 836 7126
Nieman46804@yahoo.com

December 30, 2011

Justia, Inc.
80 Pear Avenue Suite 2B
Mountain View, California 94043
Via U.S. First Class Mail and Electronic Mail

VersusLaw, Inc. (a.k.a. Findacase.com)
PO Box 1435
Bellevue, WA 98009
Via U.S. First Class Mail and Electronic Mail

Leagle, Inc. (Leagle.com)
info@leagle.com
Via Electronic Mail

Re: Practice of Linking Party Names to Search Engines such as Google and Yahoo, As to Employment Practices Litigation (protected conduct)

PREPARED IN AN ATTEMPT TO RESOLVE A DISPUTE IN GOOD FAITH. NOT TO BE USED FOR ANY OTHER PURPOSE.

Good day to you,

As your databases (or a simple Google or Yahoo search) will easily show, I am an individual who has been involved in several employment practices matters in the past few years. The first matter involved a prior employer. I was hopeful that once the matter concluded amicably that I would be able to move on with my life. Unfortunately, it would seem that the case has continued to follow me in unexpected ways.

As we are well aware, public records are just that; public. Anyone with sufficient desire and resources can directly, or by way of a vendor, do court records searches. Additionally, many databases are online these days at no cost, at least at the state level. (My home county of Sangamon County, IL is just such a place, for example). Pacer is available for a fee as to the federal docket. Your systems all seem to also list certain case highlights, depending upon the court, generally showing the style and parties, and often a copy of any order issued by the court.

As far as I can tell, there is likely nothing wrong as to your entities' repeating or republishing the public record case information. However, I believe that your systems' action in linking the party name (particularly the Plaintiff) to widely used search engines, is creating a situation of disparate impact and likely unlawful retaliation, against parties who have taken part in conduct which is protected at the state and/or federal level. I also believe that such adverse result is likely unintentional as to your

organizations, so I am bringing this situation to your attention in the hopes that your respective entities will be willing to voluntarily modify your systems and/or processes to sever these links.

The apparent current status of affairs is that if a person has taken prior protected action, and if there is a case associated with such action (particularly a federal district court matter) your systems appear to link the case to the person's name, for purposes of search engine results. I have attached a copy of an internet search completed today on Yahoo.com, Google.com, and Bing.com, the three largest internet search engines. As you can see, a simple search of my name (Jason L. Nieman) reveals existence of one or more of the cases (or rulings on a case) on the very first search page. This is consistent across all three engines, at least for Leagle.com and Findacase.com.

I am not a lawyer, but it is my sincere belief that by linking a person's name to the cases (at least those involving action or conduct which is noted to be protected under state and/or federal law) your entities may be committing unlawful retaliation, and perhaps other statutory or common law violations. I base my conclusions in part upon the language of the Illinois Human Rights Act, 775 ILCS 5/6-101 (A) and The Civil Rights Act of 1964 as amended (Title VII), 42 U.S.C. 2000e et. seq. Again, I strongly anticipate that this is not your intent, but just as in cases of disparate impact with employers, the law of unintended consequences may well make your conduct unlawful, and/or actionable.

To be clear, at this time I am seeking no money damages. While I may have been "blacklisted" from one of more additional jobs that I have applied for based upon your publication of the case information, I do not presently have confirmation of this linkage. Rather, all I am asking respectfully is that the links between Google, Bing, Yahoo, and the other search engines, be severed as to associating my name with the cases in question way of a simple search engine name search. While I am not a lawyer, I also would recommend that you review this issue with your lawyers. I suspect that they may well recommend that you consider severing the links to all such plaintiffs and cases where protected conduct is involved.

Assuming you were to agree to my polite request, and assuming thereafter that a person goes to any of your specific websites and searches my name for a case, then there is likely little or nothing that I can do to prevent or complain about such a situation. However, I am cautiously optimistic that the U.S. EEOC, the Illinois Department of Human Rights (and likely other similar entities) will agree that the risks of retaliation to persons who have raised good faith complaints as to unlawful discrimination, sexual harassment, and/or retaliation, outweigh any business or free speech interests of your respective entities, and/or the search engine entities. It is also likely indisputable that most people will not know how to do such things, and/or will not make the effort to do so. There is a big difference between simply "Googling" a person's name and doing a deep background search. Additionally, many entities have formal policies in place prohibiting or restricting such activity.

I also know that at least one of your entities has been sued before for allegations at least somewhat related to information provided on your sites. Based upon observations of the pleadings and the courts' rulings, The plaintiffs appear to have been generally pro se and (with all due respect) their pleadings do not appear to have served them very well.

Conversely, as you view my previously filed pleadings (and as you do some additional research on me as an individual and a professional) I think you will find that I am a very different breed of cat. I am capable of filing and arguing very effectively in the state and federal courts. Additionally, the nature of the issues here would seem to be that a class action complaint (F.R.C.P. Rule 23, I believe) bears a very decent chance of surviving and being certified. To the extent that this occurs, or even is attempted, there is a better than average chance that a large class action plaintiff's firm will have an interest in litigating a case of this type, particularly in regard to the likely defendants (which would have to include Microsoft, Google, and Yahoo, obvious target defendants).

Print

Page 4 of 5

Just as I am not seeking any damages at this time I have no interest in making class action attorneys, or even your respective defense attorneys, wealthy. I have spent my entire career on the defense side and I simply want to reclaim my life and my reputation. But respectfully, the fact that your entities are linking my name to these cases, and the fact that "Googling" a person has become an almost automatic reaction, means that your continued linkage of my name to the cases, by way of your sites, is doing me damage, likely on an almost weekly basis. I simply cannot allow this to continue, if I have any viable legal recourse.

Given that I often find that entities tend to ignore inquiries and/or communications such as these, I will diary up 21 days from the date of this letter. If I have not heard from the various parties within that time, I will assume that you feel that the current status is appropriate, and that you will not wish to agree to my requests, or to even consider negotiations in regard to them. In such an event I will contact the U.S. EEOC and will request permission to file a formal charge against all six entities which are the noted addressees of this communication. I will ask that the charge be dual filed with the Illinois Department of Human Rights. I do not expect that the EEOC and/or IDHR will do much in terms of investigation, regardless of the merits, so I will encourage them to move quickly to a determination and "right to sue" issuance so that I may proceed to litigate this matter directly. Please also note that I would plan to include causes under 42 U.S.C. 1981, and common law causes in Illinois (such as invasion of privacy, intrusion of seclusion, and so on) which seem to be appropriate and legitimate should litigation be required.

Leagle.com Representative: Please provide a mailing address for contact with your entity. Thank you.

Sincerely,

Jason L. Nieman

CC:

Microsoft Corporation (Owner of Bing.com)
One Microsoft Way
Redmond, WA 98052-7329
Support@Microsoft.com

Yahoo! Inc. (Owner of Yahoo.com)
701 First Avenue
Sunnyvale, CA 94089
cc-advoc@yahoo-inc.com

Google, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043
Support@Google.com

Print

Page 1 of 3

D

Subject: Google Removal Tools
From: Jason Nieman (nieman46804@yahoo.com)
To: nieman46804@yahoo.com;
Date: Wednesday, February 15, 2012 3:38 PM

----- Forwarded Message -----
From: The Google Team <removals@google.com>
To: Nieman46804@yahoo.com
Sent: Tuesday, January 17, 2012 11:49 AM
Subject: Re: [#947270572] Web Search Complaint Received

Hello Jason,

Thanks for reaching out to us.

We recognize your concern, but Google simply aggregates information already published on the web. Even if we were to eliminate the offending page from our index, it would still exist on the web. Every few weeks our robots crawl the web for content. The webmaster can, by including code that blocks our robots, prevent a page from appearing on Google. For more information about our Terms of Service, please visit http://www.google.com/terms_of_service.html

If the webmaster grants your request, or if you pursue legal action against this site that results in the removal of the offending material, our search results will display this change after we next crawl the site. If the webmaster makes these changes and you need us to expedite the removal of the cached copy, please submit your request using our webpage removal request tool at <http://www.google.com/webmasters/tools/removals>

We are sorry that we cannot be of more immediate assistance in this matter.

Regards,

The Google Team

Original Message Follows:

From: Nieman46804@yahoo.com
Subject: Your Request to Google
Date: Mon, 16 Jan 2012 14:22:09 +0000

>
>
> AutoDetectedBrowser: Internet Explorer 8

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Page 2 of 3

> AutoDetectedOS: Windows 7
 > IllLanguage: en
 > IssueType: lr_legalother
 > Language: en
 > agree: checked
 > companyname:
 > country_residence: US
 > dmca_signature: Jason Nieman
 > dmca_signature_date_day: 16
 > dmca_signature_date_month: 1
 > dmca_signature_date_year: 2012
 > full_name: Jason Nieman
 > hidden_dmca_category:
 > hidden_product: websearch
 > legalother_explain: Three sites, Justia, Leagle, and Versuslaw (Findlaw)

> are improperly linking to the PACER (U.S. District Court) database and are
 > linking a person's simple name to court records related to employment
 > actions that are protected under state and federal law. I have contacted
 > these entities, as well as your entity (by recent mailing) and have asked
 > that the links be severed at least as to my simple name (Jason Nieman
 > and/or Jason L (Lee) Nieman). I have received no response. I am
 > proceeding to file a complaint with the Illinois Department of Human
 > Rights asserting that these entities, and the various search providers
 > including Google, are violating the Illinois Human Rights Act by virtue of
 > this conduct. Specifically, I believe that these actions are in direct
 > violation of 775 ILCS 5/6-101 (A) and/or (B). Once the IDHR has completed
 > their investigation and has issued a "Right to Sue" it will be my intention
 > to initiate litigation in Illinois State Court against your various
 > entities, and the other search providers who link to this content, seeking
 > injunctive relief and money damages. If you wish to avoid this, please
 > contact me at your earliest convenience and/or confirm that the offending
 > links are being delisted from your search. (All similar links to references
 > or orders related to my name and such litigation should be removed).
 Thank
 > you. Jason Nieman. 217 836 7126
 > url_box3_1:
 > <http://dockets.justia.com/docket/colorado/codce/1:2011cv00254/124128/>
 > url_box3_2:
 >

rprint

Page 3 of 3

http://co.findacase.com/research/wfrmDocViewer.aspx/xq/fac.20110211_0000878.DCO.htm/qx
> url_box3_3:
>
http://il.findacase.com/research/wfrmDocViewer.aspx/xq/fac.20100226_0000157.CIL.htm/qx
> url_box3_4:
>
http://il.findacase.com/research/wfrmDocViewer.aspx/xq/fac.20091211_0000697.CIL.htm/qx
> url_box3_5:
>
<http://www.leagle.com/xmlResult.aspx?xmlDoc=In%20FDCO%2020100409794.xml&docbase=C:SLWAR3-2007-CURR>
>



Webmaster Tools

Block or remove pages using a robots.txt file

A [robots.txt file](#) restricts access to your site by search engine robots that crawl the web. These bots are automated, and before they access pages of a site, they check to see if a robots.txt file exists that prevents them from accessing certain pages. (All respectable robots will respect the directives in a robots.txt file, although some may interpret them differently. However, a robots.txt is not enforceable, and some spammers and other troublemakers may ignore it. For this reason, we recommend password protecting confidential information.)

You need a robots.txt file only if your site includes content that you don't want search engines to index. If you want search engines to index everything in your site, you don't need a robots.txt file (not even an empty one).

While Google won't crawl or index the content of pages blocked by robots.txt, we may still index the URLs if we find them on other pages on the web. As a result, the URL of the page and, potentially, other publicly available information such as anchor text in links to the site, or the title from the Open Directory Project (www.dmoz.org), can appear in Google search results.

In order to use a robots.txt file, you'll need to have access to the root of your domain (if you're not sure, check with your web hoster). If you don't have access to the root of a domain, you can restrict access using the [robots meta tag](#).

To entirely prevent a page's contents from being listed in the Google web index even if other sites link to it, use a [noindex meta tag](#) or [x-robots-tag](#). As long as Googlebot fetches the page, it will see the noindex meta tag and prevent that page from showing up in the web index. The x-robots-tag HTTP header is particularly useful if you wish to limit indexing of non-HTML files like graphics or other kinds of documents.

What do you want to do?

[Generate a robots.txt file using the Generate robots.txt tool](#)

[Manually create a robots.txt file](#)

[Test a robots.txt file](#)

updated 01/03/2012

Print

Page 1 of 1

E

Subject: Re: [Dockets #ASQ-58691-555] Fwd: Federal Trade Commission Complaint: Nieman v. Justia et al
From: Justia Docket Support Team (dockets@justia.com)
To: nieman46804@yahoo.com;
Date: Monday, February 13, 2012 11:13 AM

Thank you for contacting the Justia Dockets Support Team,

Justia Federal Court Filings and Dockets provides access to public documents archives of civil cases filed in Federal District Courts. Removing a case would hinder both the integrity and usefulness of the database, and as such we do not remove filings. However we understand your concern in having this case showing up in Google and other search engines, and as such we have applied the robots exclusion protocol to this case, therefore hiding it from Search Engines as they index the site. Your case should come out of the search engines shortly, however we have no control over how long it will take the search engines to remove this case.

 Justia Dockets Support Team
 dockets@justia.com

>>

>> Good afternoon, everyone. One last item before I call it a day.

>>

>> This afternoon, I have filed a formal complaint with the FTC against each of your entities. As I do some additional research, I see settlements and/or consent decrees that have been negotiated with FTC by one or more of your entities. I am confident that the FTC will find this situation as troubling as I do, for my personal situation, and for those who are similarly situated.

>>

>> Have a pleasant afternoon and weekend.

>>

>> Jason Nieman

>> 217 836 7126

>>

>> The websites of Justia.com, Lcagle.com, and versuslaw.com (and their related site of findacase.com) appear to be linking to federal court records via the PACER system. They then are taking the common name (in my case, Jason L(Lee) Nieman) and allow a person to use a simple name search via Yahoo, Bing, or Google, to discover evidence of conduct which is protected under state andor federal law. (Namely filing complaint, charge, andor lawsuit as to discrimination or retaliation in an employment context). This means that any person doing a simple browser search on a persons name will potentially be provided with one or more "hits" as to such protected conduct. While this information is part of federal public records, it must be accessed in person, or by way of the PACER system (excepting for those published case decisions). I have alerted all of these entities to what they are doing and have asked them to stop (to delink my common name to such information so that my protected conduct is not so readily noted on a common web search). All have refused overtly, or by way of lack of response. I have sought andor secured a "right to sue" against each entity from the U.S. EEOC andor the Illinois Dept. of Human Rights. I am asking that the FTC investigate this matter as to possible violations, in regard to privacy regulations, or the providers own stated privacy policies. Thank you.



| | |
|--|-------------------|
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VersusLaw | There's nothing like a gripping courtroom drama to keep you riveted to your TV screen — or your PC screen for that matter. Let's localize that for the Internet community. We're not talking about "Law and Order: Internet Intent," or "CSI Seattle." The viewing we have in mind falls squarely into the category of "reality programming." It's called **VersusLaw**. Its time slot is 24/7. And it's not a TV program, but a Website that is involved in the very human drama of dispensing information *and justice* over the Internet.

VersusLaw delivers the letter of the law in the form of court rules, case law, statutes and other legal information for attorneys, business owners, professionals, average citizens, and even jailed inmates, all with a critical need to know. How does **VersusLaw** information translate into justice? By bringing legal findings, precedents and knowledge to light.

In the American system of jurisprudence, the only case law that is ever considered in a trial or an appeal is the law that a defendant or plaintiff brings to light on his or her own behalf. It isn't a judge's role to inform the parties about the court rules or case law that might apply in the interest of the defense or prosecution. The information you present is yours alone, and that of your attorneys! That makes access to the latest legal information an overwhelming advantage. It's an empowerment that is now permeating the civil and criminal justice system with the advent of wireless laptop computers and access to vast databases of information like **VersusLaw's** from inside the courtroom.

Once available only to the wealthy, the light of legal knowledge is now reaching the masses. And that change parallels the growth of **VersusLaw**. When Joe and Ann Acton founded the company in 1985, their distribution network was a printed newsletter and an electronic Bulletin Board. Today, it's a Website receiving up to 4.2 million hits a month.

All rise! VersusLaw founder and CEO Joe Acton brought this session of ShopTalk to order and let us get on his case.

Seattle24x7: What percentage of VersusLaw users are non-lawyers who are trying to navigate America's complex legal system?

Acton: A little less than 30% of our users are non-lawyers. It could be a small Mom and Pop business that has been contacted by a regulatory agency, for instance, your gas station is in violation of some environmental laws. Well, before Mom and Pop go and spend a lot of money on legal advice, they want to know what the law is and where they stand. After doing some research themselves, they can go into the lawyer and be that much more knowledgeable. We have law enforcement, doctors, claims agents, you name it, they do research here. They're looking for statutes, they're looking for regulations, fishing regulations, hunting regulations, you name it. It's not just lawyers that are looking for legal information.

Seattle24x7: How have you developed your interface to be more accessible for the layperson?

Acton: We just spent nine months redesigning and reconstructing both our site and our search engine. In-as-much, as we've been doing this on the Internet since August of 1995, we had a lot of user information to work with. We understood how our users conducted searches, what they were looking for, the kinds of mistakes they were making and the kinds of mistakes we were encouraging them to make through some of our systems. In January of 2002, we logged 2.1 million hits to our site. By January of 2003, it was up to 4.2 million. Just exactly double. The amount of usage that the system is getting as a result of the enhancements that we've made is astonishing.

Seattle24x7: Are you "pushing" out information, such as special email or alerts, in addition to pulling viewers in?

Acton: We have three levels of subscription. We have a basic Standard level. The second level is Premium and the third level is Professional. At the Premium and Professional Level, we have what we call AdvanceLinks. That's a service that allows subscribers to be notified if any of the cases that are being tracked by AdvanceLinks come in. We currently track twelve different categories of cases. We'll send notification by email each time cases have arrived that match their search criteria. They'll use the link in the email to come back into the system.

Seattle24x7: Publishing has been a historic partner of the legal profession. From that standpoint, you have inherited an extraordinary legacy in terms of the size and scope of the sheer body of knowledge that exists?

Acton: West Publishing is the granddaddy of all legal publishers in the United States. They started putting together the first reporting services in 1854, but had to be dragged kicking and screaming into the electronic world. Lexis was really the market innovator, coming out with their electronic publishing service for lawyers in 1974. Once we began some sixteen years after Lexis, in the early 1990's, the terrain was very different.

Seattle24x7: Somewhere along the way, the personal computer arrived...

Acton: You have to remember that in the early-to-mid-eighties, a computer system of any consequence was terrifically expensive and only the most successful and well entrenched law firms or businesses could afford them. When we came along computers were just beginning to be affordable and as those computers became more cost-efficient, our services began to grow. We aimed our services not at the large law firms that were already served by West and Lexis, but increasingly at the small law firms who not only couldn't afford computers initially, but couldn't afford West and Lexis.

Seattle24x7: You introduced a more efficient way to obtain what amounts to the same information?

Acton: Our content is focused on what is called primary material — case law, statutes, rules and regulations, constitutions, things that we get directly from the source. West and Lexis also provide a lot of information that comes from secondary sources — other publishers, other treatises, etc., that large law firms and large government entities may want to have access to. Small law firms don't need that information nor can they afford the attributed cost associated with it.

Seattle24x7: Do you have other competitors besides West and Lexis?

Acton: There are no services that compete with us head-to-head in terms of what we do. There are some competitive vehicles. A competitive vehicle might be a county law library, where a lawyer will go and labor away at night pawing through books. But, in terms of other entities that do what we do there's no one who does it at this breadth and scope. We cover all fifty states, and all federal circuits. We download from over 250 sources each day, we continuously collect materials from 2 a.m. in the morning until 9 p.m. at night and continuously update our databases. We are well known in the industry as being first-to-market with our cases.

It's something that we take very seriously. We've got people here literally seven days a week, 18-20 hours a day.

Seattle24x7: How are you reaching the practicing attorney, directly, or through trade associations?

Acton: We maintain a retail site where we are serving the actual retail end-user, but some of the state Bar Associations are a business development opportunity. The Bars are coming to the conclusion that they have to offer their members value-added, more than simply being among the value-added member products and vehicles they offer, ours is an excellent choice because it gives the lawyers that which they need on literally a daily basis which is access to primary materials. In some cases, we have affiliate relationships with the Bars on an individual basis where there is some pass-through based on what they're providing.

Seattle24x7: You also have begun to serve the Washington State Prison Law library?

Acton: That's correct, we currently service three of those locations. And we are waiting to hear back from the state in terms of the ability to equip nine other institutions. One of the precepts that is required in prisons is access to the courts. That's required by the U.S. Supreme Court. And in most prisons, the way they deal with that is to have racks of books that are lying around. They are very expensive to maintain both in terms of the space they occupy and the addition of new books each year.

What we have proposed instead, throughout the United States, although we've begun here in Washington, is to replace those books with an electronic library. Inside Washington, the first three institutions here have done that with great success. We were cited by Governor Locke's office for saving the taxpayers \$10,000 per location.

The actual users are indeed the inmates. Occasionally someone might grouse about jailhouse lawyers, but the fact of the matter is that when you think about prisoners, they've got the same problems that anybody else has except they're in jail. They may be getting a divorce, maybe their house is being foreclosed on, their car is being repossessed. There's any number of issues that people have to deal with while they're incarcerated and in most instances that's what these facilities are being used for. They're not necessarily being used to clutter up the courts with frivolous lawsuits.

Seattle24x7: It must give you a strong sense of personal satisfaction to be bringing this information to those in need? One would hope that every citizen would have the ability to read and understand the laws that govern their behavior and their livelihood in society, but how many people actually do?

Acton: My wife and I have always believed strongly in public service. We were both in the Peace Corps. My wife was a nurse. I've been a police officer. One of the things that we feel strongly about is the ability for people to understand, if you will, what's called their primary conduct.

People have got to be able to understand and manage their own destiny. As society becomes more complex, it really robs a person's ability to direct their own lives. They need to have more consultants, and more advisors. If they want to start a business, it's no longer just the ability to have a good idea. You've got to have lawyers, accountants, and insurance agents. If there's anything we have done here, it is to try and level the playing field of the information business.

Seattle24x7: How soon before legal information becomes readily accessible from the courtroom?

Acton: The bellwether of that occurred last month when Intel announced wireless chips in laptops. If I can make a prediction it would be that within the year, you'll have litigants sitting in a courtroom and one of their attorneys or consultants will have a laptop that is pulling down the most current information. It's going to be the battle of the laptops. Once they go live in the courtroom you're going to see big changes.

Seattle24x7: Having access to case law and court rules is essential to exercising your rights and understanding the actual law that applies to your case.

Acton: You're right. There is absolutely nothing that a court can do with information that hasn't been presented to it.

Seattle24x7: Through it all, VersusLaw has weathered the Internet's early storms and survived as a self-funded operation at the same time?

Acton: There's the old adage that if you can be good or lucky, pick lucky. I think about one of the best things that was ever said about us back in 1996. Someone in the financial community parroted an old saying that the Actons throw nickels around like they were manhole covers. We always took our fiscal responsibility as a matter of pride because we've provided jobs, we've had people who have raised their kids, bought houses and cars. We've been doing this for 18 years.

During the dot-com boom we had one guy from a well known venture capital fund tell us they would put \$20-\$30 million dollars in but we had to guaranty them that the valuation here would increase ten to twenty fold in one year, and that we could acquire 20 million seats. I looked at him and said, 'I don't know of any enterprise that's going to get you 20 million

seats of anything in the next year.' The other thing they wanted us to do is spend 80% of those funds on marketing. I couldn't imagine a greater waste of money than to spend 80% of 20 million dollars on marketing. One of thing you can't do is spend yourself rich. You've got to have a product and you've got to have customers.

Seattle24x7: That sounds like a very wise ruling indeed. [24x7]

Larry Sivitz is the Managing Editor of Seattle24x7.

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Larry Sivitz is founder, publisher and managing editor of Seattle24x7, the founder of SearchWrite Search Marketing, an SEO, PPC and Social Media Thought Leader, and an SPJ award winner for Seattle magazine.

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Amazon.com plans to build three commercial towers in Seattle, potentially increasing the city's downtown office space by 7 percent, based on the company's preliminary development plans and figures from CBRE Group, Inc.

According to **Bloomberg News**, the world's largest Internet retailer has agreed to buy three contiguous blocks in the South Lake Union "Denny district" from **Clise Properties Inc.** and has options to buy additional "significant" sites nearby, said Chairman Al Clise, the fourth-generation head of the family-owned developer.

"Amazon wants to plan for their future," Clise said in a telephone interview yesterday. "The amount of new jobs and infrastructure and economic development this will provide is just amazing."

Seattle's downtown office market of 42.7 million square feet (3.97 million square meters) is "one of the strongest-performing" in the U.S., CBRE said in a fourth-quarter report. Office landlords had a net gain in occupied space for the seventh straight quarter, fueled by technology companies such as Amazon, according to the brokerage firm. Vacancies in the South Lake Union submarket, where Amazon is based, fell to 9 percent, compared with almost 18 percent for downtown Seattle as a whole.

The company's three towers would have as much as 3 million square feet of space, according to preliminary documents filed Feb. 15 with the city's Department of Planning and Development.

The retailer's property consultant, Seattle-based Seneca Real Estate Group Inc., filed the paperwork yesterday to begin the process of obtaining permits for three buildings of about 1 million square feet each, at 2001, 2100, and 2101 Seventh Ave., according to the planning department's website.

The land is zoned for office buildings as high as 500 feet (152 meters), or about 40 stories, according to the department. [24x7]

Arena Deal Would Make Seattle a Four-Plex, Pro-League Sports Mecca

Is it a pipe-dream or a pipeline to the future of Seattle sports?

The plan was spearheaded by Seattle-born investor Chris Hansen, who with his investment group is planning to purchase an NBA franchise and bring it to Seattle. He also is searching for a partner to bring an NHL team to Seattle.

The plan for a new, self-funded NBA and NHL arena in Seattle in the city's Sodo neighborhood, funded privately and publicly by tax revenue which must still go through a newly appointed regional citizen panel, hinges on new sports franchises to be bound to stay in Seattle for 30 years. That means there could be no repeat of the Sonics fiasco by Howard Schultz profiteering for at least three decades.

While the cost of the facility would be between \$450 million and \$500 million, public funding participation would be capped at \$200 million, with revenue generated mainly by operation of the facility, and with rent paid by the teams and by the arena operator.



Under the proposed agreements, if those sources do not generate enough money, the teams would be on the hook to pay more in rent, said Dwight Dively, finance director for King County.

"There will be no new taxes because of this," said Fred Podesta, finance director for the city of Seattle. "There will be new revenues created by the arena."

City and county representatives stressed that there would be little to no funding obligation by local taxpayers. The proposed agreement includes financial security provisions that would make Hansen's investment group responsible for construction cost overruns and operational shortfalls, said Beth Goldberg, director of the city's budget office.

For a basketball tenant, Hansen reportedly has his sights set on the Sacramento Kings, whose city — in a situation eerily similar to Seattle's loss of the Sonics — is under intense pressure to build a new basketball facility. Sacramento must submit a financing plan by March 1 or risk losing the Kings, and city leaders are running out of time.

Meanwhile, the struggling **Phoenix Coyotes** professional hockey team may also be up for grabs. NHL Commissioner Gary Bettman has said the league is looking for a buyer to keep the Coyotes in Phoenix, but has strong interest in bringing a team to Seattle — as long as there's a venue.

The Seattle Times, which originally broke the arena story two weeks ago, reported that Hansen met with three Seattle City Council members on Wednesday to discuss the arena proposal. He contacted Constantine's office several weeks ago, and briefed the rest of the City Council on Thursday morning, the Times reported.

Hansen, a San Francisco hedge-fund manager, is a relatively unknown name in the realm of multimillionaires connected to Seattle. A Roosevelt High School graduate who also attended Bishop Blanchet High, he's not alone in wanting pro basketball back in the Emerald City. A potential site on the Eastside was being eyed by potential investors like Chicago businessman Donald Levin and Microsoft CEO Steve Ballmer. That was last summer — it's unknown at this point whether Ballmer is interested in contributing to Hansen's plan. [24x7]

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VersusLaw Unveils Free Case Law Search

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I have long been a fan of the legal research service [VersusLaw](#), which provides federal and state legal research for just \$13.95 a month. Now [VersusLaw](#) is taking a giant step backward in price, all the way to zero, with the launch of its free legal research service, [FindACase](#). It provides free access to federal and state cases, the same cases that are in the

subscription version of [VersusLaw](#), but lacking some key features.

[VersusLaw](#) founder Joe Acton tells me that [FindACase](#) is designed for the general public as a tool to help them better understand the legal issues they face. "Just as no one goes to the doctor anymore without hitting [WebMD](#) or other such sites, neither should anyone seek legal advice without first having some idea of the issues involved," he wrote me in an e-mail.

[FindACase](#) will be supported through advertising and, as noted, lacks some features that limits its usefulness for lawyers. Most significantly, cases do not include their citations or docket numbers (citations within the case are retained). You can, however, find a case by using its citation. You always have the option of obtaining a case's citation for a charge of \$2.95 per case.

Another limitation is that you can search only on a state-by-state basis. The site is divided into 51 sections, one for each state and the District of Columbia. Each state section includes the federal and state case law for that state — state appellate courts, federal circuit court, U.S. District Court and U.S. Supreme Court.

Searching is by key words or citation and includes exact-phrase and boolean searching. Searches can be limited to date ranges and to specific courts within the selected state. Before executing a search, you must enter your zip code and a CAPTCHA code. This is to prevent piracy of the data.

"FindACase is not intended as a substitute for VersusLaw." Acton notes in his e-mail to me, "but rather as a general research tool." Still, with a price to use it of zero, this site could prove handy for quickly checking a case.

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Robert J. Ambrogi is a Massachusetts lawyer, writer and media consultant. He is author of the book, The Essential Guide to the Best (and Worst) Legal Sites on the Web. He also writes the blog Media Law and cohosts the legal affairs podcast Lawyer2Lawyer.

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