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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION  
*[Handwritten signatures and initials]*

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Pro se plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Diana Ramona Gavra  
Cabinet de Avocat (Lawyers Office)  
"Gavra Diana"  
Iuris Civilis Association

Plaintiffs,

**C 12 6547**  
Case number:

**COMPLAINT**

**PSG**

Demand for jury trial

vs.

Google Inc

Defendant,

**1. Parties in this complaint**

**a. Plaintiffs:**

Diana Ramona Gavra  
no.24 Stoica Ludescu street,  
Sector 1, Bucharest, Romania, Postal Code 012214  
Phone no./Fax: (004) (021) 2339660

Cabinet de Avocat (Lawyers Office) "Gavra Diana"  
No. 132, Calea Dorobanti street, Apartment 9, sc.2, Sector 1  
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Phone no./ Fax: (004) (021) 2339660

Iuris Civilis Association  
no.24 Stoica Ludescu street  
Sector 1, Bucharest, Romania, Postal Code 012214  
Phone no./ Fax: (004) (021) 2339660

**b. Defendant,**

Google Inc.  
1600 AMPHITHEATRE PARKWAY  
MOUNTAIN VIEW  
CALIFORNIA  
SANTA CLARA COUNTY  
CA 94043  
Phone no: +1 650-253-0000  
Fax: +1 650-253-0001

**2. Jurisdiction.** This court has jurisdiction over this case because of diversity, the claimants are residents/based in another country, namely Romania and the amount in controversy is more than 75,000\$.

**3. Venue.** Venue is appropriate in this court because Google Inc. is based in California, Mountain View, Santa Clara County.

**4. Intradistrict Assignment.** This lawsuit should be assigned to the San Jose Division of this Court as the defendant is based in the Santa Clara County.

**5. Statement of facts**

**a.** My name is Ms. Diana Ramona Gavra, and I write to you **on my behalf, on the behalf of** my legal practice, **Cabinet de Avocat** (Lawyers Office) "**Gavra Diana**" identification number (CUI 21717335) based in Romania, Bucharest, no. 132 Dorobanti Way, apartment 9 **and on behalf of the Association "Iuris**

**Civilis**", identification number CUI 26872623, based in Romania, Bucharest, sector 1, no.24 Stoica Ludescu street, whose president I am. I bring your attention my claims against Google Inc.

These claims are brought after multiple requests, sent to Google Inc. and YouTube, starting in December 2011, requesting the removal of harassing and defamatory content from [www.youtube.com](http://www.youtube.com) (the "YouTube Site") and/or [www.google.com](http://www.google.com) (the "Google Site") (**collectively, the "Sites"**)- as shown in exhibit A- , including but not limited to the following harassing and defamatory content:

▪ ESCROACA DE AVOCAT DIANA GAVRA PLATITA CU ZECI DE MII DE EURO ISI VINDE CLIENTII PE BANI

- translation: *Crook lawyer Diana Gavra paid with tens of thousands of euros sells her clients for money*
- <http://www.youtube.com/watch?v=ju-DdzWzg4I>
- Uploaded on **December 27, 2011** by "mafiaimobiliara"
- 891 views as of today's date

▪ AVOCATA DIANA GAVRA ESCROACA PERVERSA MINCINOASA ORDINARA - IUDA! - FERITI-VA DE EA

- translation: *Lawyer Diana Gavra perverted crook ordinary liar Judah! Stay away from her*
- <http://www.youtube.com/watch?v=DTlwk5rnYPU>
- Uploaded on **December 28, 2011** by "mafiaimobiliara"
- 700 views as of today's date

▪ ESCROCII IMOBILIARI OVIDIU LAURIAN SIMINA DIN MAI SI SOTIA ACESTUIA COMIT GOLANII PENALE

- translation: *Real estate crooks, Ovidiu Laurian Simina of M.A.I. (Ministry of Administration and Interior) and his wife commit criminal swindle*

- [http://www.youtube.com/watch?v=QJJ\\_LedQzNQ](http://www.youtube.com/watch?v=QJJ_LedQzNQ)
  - Uploaded on December 29, 2011 by “mafiaimobiliara”
  - 302 views as of today's date
- 
- MINCINOASA ORDINARA AVOCAT DIANA RAMONA GAVRA ESCROACA DE PROFESIE - IUDA!
    - translation: *Lying bitch lawyer Diana Ramona Gavra – profession crook – Judah!*
    - <http://www.youtube.com/watch?v=3IIfilJpaQI>
    - Uploaded on **January 4, 2012** by “mafiaimobiliara”
    - 519 views as of today's date
- 
- SECURISTUL VALI STIRBU JURNALIST TVR SCLAV AL DIANEI GAVRA AVOCATA CORUPTA
    - translation: *“Securist” Vali Stirbu journalist in TVR corrupt slave of lawyer Diana Gavra*
    - [http://www.youtube.com/watch?v=ujilL9\\_A79c](http://www.youtube.com/watch?v=ujilL9_A79c)
    - Uploaded on **January 8, 2012** by “mafiaimobiliara”
    - 325 views as of today's date
- 
- TV ROMANA LA CHEREMUL UNEI ESCROACE DIANA GAVRA PRIN SECURISTUL VALI STIRBU
    - translation: *TV Romania at the mercy of Diana Gavra through the “Securist” Vali Stirbu*
    - <http://www.youtube.com/watch?v=0zXJu5xUOzw>
    - Uploaded on **January 9, 2012** by “mafiaimobiliara”
    - 405 views as of today's date

- SANTAJUSTII VALI STIRBU DIN TVR SI ESCROACA DIANA GAVRA AVOCATA FAC BANI DIN SANTAJE
  - translation: *Blackmailers Vali Stirbu from TVR and Crook Lawyer Diana Gavra are making money from blackmail*
  - [http://www.youtube.com/watch?v=MXXd8rE\\_X70](http://www.youtube.com/watch?v=MXXd8rE_X70)
  - Uploaded on **January 14, 2012** by “mafiaimobiliara”
  - 297 views as of today’s date
  
- ESCROACA DIANA GAVRA RAMONA IN CURAND LA DNA - EVITATI-O (translation: CROOK DIANA GAVRA SOON AT DNA (National Anticorruption Directorate)- STAY AWAY FROM HER)
  - translation: *Crook Diana Gavra soon at the DNA (National Anticorruption Directorate) – Stay away from her*
  - <http://www.youtube.com/watch?v=YkOvIcwWMUw>
  - Uploaded **January 21, 2012** by “mafiaimobiliara”
  - 141 views as of today’s date
  
- VICE PRESEDINTA TRIBUNALULUI BUCURESTI LAURA ANDREI LA MANA MAFIOTULUI IMOBILIAR MAI
  - translation: *Vice President of the Tribunal of Bucharest Laura Andrei at the orders of real estate mobster Mai*
  - <http://www.youtube.com/watch?v=0zXJu5xUOzw>
  - Uploaded on **January 9, 2012** by “mafiaimobiliara”
  - 254 views as of today’s date
  
- DNA AVETI PE TAVA INTREAGA MAFIE IMOBILIARA CONDUSA DE MAI ANTAL ION
  - translation: *DNA (National Anticorruption Directorate), you have the whole mob clan of Mai Antal Ion on platter*
  - <http://www.youtube.com/watch?v=eA9lcv4MZNUUuploads>

- Uploaded on **January 14, 2012** by “mafiaimobiliara”
  - 216 views as of today’s date
- 
- -„*Onesta profesionista judecator Laura Andrei – creierul mafiei imobiliare*”
    - translation: *Honest professional judge Laura Andrei – the brains of real estate mob*
    - <http://www.youtube.com/watch?v=aFBMvv4HGGQ>
    - Uploaded on **January 15, 2012** by “mafiaimobiliara”
    - 347 views as of today’s date
- 
- -„*Judecator Laura Andrei la mana mafiotului imobiliar escroc Mai Antal Ion*”
    - translation: *Judge Laura Andrei at the orders of crook mobster Mai Antal Ion*
    - <http://www.youtube.com/watch?v=Eoc8ssZYJI8>
    - Uploaded on **January 15, 2012** by “mafiaimobiliara”
    - 223 views as of today’s date
- 
- *Judecator Laura Andrei si Jean Andrei notar mafioti imobiliar!!!!*
    - translation: *Judge Laura Andrei and Jean Andrei real estate mobsters!!!!*
    - <http://www.youtube.com/watch?v=Eoc8ssZYJI8>
    - Uploaded on **January 15, 2012** by “mafiaimobiliara”
    - 623 views as of today's date

I will refer to these postings as **“the video clips”**.

**b.** The first claimant, Ms. Gavra Diana Ramona, am a lawyer in Romania who runs her own law practice in Bucharest, Romania, Cabinet de Avocat

(Lawyers Office) "Gavra Diana". I am also a University Assistant and founder and President of the Association "Iuris Civilis".

Ms. Gavra, through the Lawyers Office "Gavra Diana", has given legal assistance to Mr. Tom Băran and his family on many cases in front of the Romanian judiciary. The Association "Iuris Civilis" also had a signed contract with a company called "S.C. BĂRAN ENTERPRISE S.R.L.", which is also owned by the Băran Family.

Mr. Eăran ( former name Băran Ioniță) Also known under the name Băran Ioniță Tom, is a Romanian and American citizen who is also a resident of the U.S. State of California. The author of these posts is Mr. Tom Băran, under the online user name "mafiaimobiliara". This aspect has been proven by the judiciary of Romania (in case file 40/P/2011) investigated by the Prosecutors Office of the High Court of Cassation and Justice - National Anticorruption Directorate.

These 13 video clips have been used by Mr. Băran as means to extort 25.000 Euros in order to erase these video clips from the site [www.youtube.com](http://www.youtube.com).

I should mention the fact that, because I had the Băran family for my clients for quite some time, I noticed that whenever court proceedings wouldn't go how they would like them to, they would post defamatory video clips on "the Site". I did not encourage them in such actions, I actually brought to their attention that they should refrain from doing so.

Continuing with this practice they posted on 7.12.2011, 28.12.2011, 29.12.2011, 04.01.2012, 08.01.2012, 09.01.2012, 14.01.2012 and 15.01.2012, 21.01.2012 , the 13 (thirteen) short movies I have detailed earlier in this complaint. The posts are entirely defamatory to me and my law practice. They contain a lot of offences to my dignity, my personal and professional life, accusing me of adultery, fraud, drug abuse and a lot of other criminal acts and morally questionable activities. These accusations mislead whocver sees them about my person and my professional career as well as damage the reputation of the law practice that I run.

The video clips contain family photos of myself as well as recording of myself made by Mr. Băran (a recording of an evacuation of the Băran family, pictures inside their house) and comments aimed at alleged injustices suffered by

this family, etc., consisting of those mentioned above and is a way used by this family to transmit multiple offenses, serious accusations formed into a gross misinformation to the undersigned and the undersigned's, law firm, showing that:

- The undersigned has a repulsive appearance "great diva, moving cattle and ass of a cow with a big attitude of a lady" and "probably wants to raise more money to have a plastic surgery, not be forced to renew her mirror every morning", I lack education:" a jerk" that "her parents did not gave her the 7 years of home" I have no moral character and am a "great Romanian legal profession Swindler ", I have a "miserable insidious nature" , I am "a mother and the mother of scammers and of mobsters", an " ordinary liar" , I am frustrated and have no scruples when it comes to getting money without working and that I would "step on dead bodies for money" and I am "a poor teacher – that eats dust instead of a banana";

- "LYING BITCH LAWYER DIANA RAMONA GAVRA – PROFESSION CROOK – JUDAH!

More exactly a crook called Diana Ramona Gavra who thinks she is the brain of the Romanian lawyers. She rifles the pockets of her clients, asking for huge amounts of money (thousands of Euros) as if they were notorious criminals and, being desperate to get away with the offence, they would be willing to pay dozens, even thousands of hundreds of Euros. After this notorious crook receives thousands of Euros for which she doesn't give a receipt, complaining and lamenting that she's fed up with paying taxes to a state in which mafia is governing, she forgets that she is the first who proves to be the Queen of all crooks and mobsters due to the way she exercises her profession."

- "Honorable crook, Diana Gavra (Romanians, stay away from this rude bitch and swindler, who will betray you, ruin your life, health, fortune and maybe even your freedom, because she is a mean person, frustrated and unscrupulous when it comes to making money without working or



deserving it, not giving a damn on your sorrow), why were you paid thousands of Euros!?!?! To betray Băran family!?! Shame on you! Lousy human being! Crook! This is the reason why this country has been ruined and this is how you acquired the fortune you had never dreamt about! You're forgetting God! There is no doubt that neither you nor Mai Antal are orthodox! You have found your match!".

- "ROMANIANS, STAY AWAY FROM THIS LYING JERK WHO DREAMS OF THOUSANDS OF EUROS. YOU RISK BEING BETRAYED! THIS IS DIANA RAMONA GAVRA!".
- "She is also a lecturer at university. Hey, girl, what do you teach your students? You are the Queen of thieves, you crook! How can you be a role model for these young people? How can you look into your child's eyes when you go home in the evening, with your bag full of thousands of Euros obtained from your swindle? Shame on you! MAY GOD PUNISH YOU ACCORDING TO YOUR DEEDS! LOOK AT THE EVIDENCE AND SEE! WE ARE NOT LYING!".
- "WE INFORM YOU THAT WE WILL SOON REVEAL HOW THIS CROOK MAKES USE OF THE ROMANIAN NATIONAL TELEVISION TO ACHIEVE HER GOAL AND BLACKMAIL THE OPPONENTS! OF COURSE, WE ALL KNOW WHAT HER GOAL IS! MONEY! Money is your only God! You are Godless! So stop victimizing yourself, stop whining, because Tom Băran didn't come from the USA to go to jail for a lying bitch like you, or for a family of crooks like Antal's. Tom Băran has been well educated and he obeys the law. But you'll be made liable.".
- „Romanians, stay away from this crook lawyer with 10 faces, former primary school teacher, who fleeces people of thousands of Euros and then

“sells” them to the opposing party and she doesn’t admit to having received the money!

Swindler bitch!”.

- „The crook Marie Jeanne Antal pretends that she’s sweeping in Tom Băran’s yard. You can see in the picture that the yard had been entirely swept up by her an hour before; this ugly sow is shamming! But it will soon be over, even if they managed to corrupt the crook lawyer Diana Gavra, Baran’s lawyer and former lover of First- prosecutor Betelie”.
- They accuse me of serious criminal offences: money laundering “**she forgets to give receipts to her clients after taking them out of thousands of Euros**”, I don’t pay my taxes “she ignores the law on taxes”, I use drugs “**she would brag that she used to smoke all kinds of drugs**” and I should “*be prosecuted for the criminal activity she comits, whitout taking into consideration this criminal lawyer, professional crook, not a lawyer, Diana Gavra. deserves a place in the Rahova prison, or at Targusor*”
- I am using the Romanian National Television for personal gain, for making money and to blackmail people: “we will unravel the way this crook uses the Romanian television for personal gain and to blackmail the opposing parties in a lawsuit”.

These are only a few extracts of all the defamatory statements made in these video clips.

**I REQUESTED YOUTUBE TO ERASE THESE POSTS LETTING THEM KNOW THAT THEY WERE USING IMAGES OF ME WITHOUT MY PERMISSION, THAT I AM BEING DEFAMED, HARASSED AND BLACKMAILED, THAT THERE IS A CRIMINAL OFFENCE BEING PREFORMED BY AID OF THIS SITE!** They refused to take these posts down. I have flagged all the posts and I wrote to Google Romania as well but I was refused every time. **This refusal**

**opened me up for extortion, and as these statement and accusations were very serious I became very concerned made a criminal complaint with the Romanian police.**

The Băran family, asked me to pay 21000-35000 Euros in exchange for them to remove these clips. In order to defend myself from these threats I have made a criminal offence complaint with the Romanian police and Mr. Băran and a lawyer Neagu Jeanette, who helped Mr. Băran in this extortion scheme, are being prosecuted in Romania for extortion (as shown in Exhibit B). Even so, the posts can still be found online and the damage to my reputation will not be remediated even if they are convicted.

I consider that, not only were the professional prestige and confidence in the quality of services of the law firm I run been affected, but also my activity as a University Professor as well as my family life. Also, customer confidence in the legal profession is essential and publication of such films, in which I am accused of committing numerous crimes, has a very strong impact on people.

These accusations and the obviously defamatory statements are affecting every aspect of my life: my family, my professional life, my personal life. These statements have the only purpose of ruining my reputation and my relationships with my family, my friends, my colleagues, my clients and my students, all in order to blackmail me into paying large sums of money to the Băran family.

These posts managed to destroy my image regarding all aspects of my life and through them they tried to ruin (and in some measure they even succeeded) everything that I have been trying to build with great efforts for my entire life: a solid career as a lawyer and as an academic, a united and happy family, great relationships with my friends and civilised and respectful relationships with my colleagues, clients and students.

My credibility, my honour and the respect I used to demand have all been greatly affected especially when my entire career has been based on exercising my

profession with strict professionalism and now I find myself being exposed to criminal accusations which are not only extremely serious, but they also create a wrong impression on anyone who met me or has heard about me after these clips were posted online.

My right to a private life has seriously been violated by the allegations regarding my life and my person (my physical aspect, my character, my education), regarding my family life and my relationships with colleagues and clients.

In this context the suffering I have endured for almost a year now, reading these statements and the reaction of my clients, colleagues, acquaintances and the public in general is something that is self understood and does not require any further proof.

**In appreciating the damage I had to suffer I bring your attention to the following aspects:**

- ❖ Immediately after these facts I received a **request of termination of the Legal Assistance Agreement** with client SC ILTRADE & CO SRL, no. 330101, signed on 19.12.2011, for the reason that the client did not trust the quality of my services upon viewing the posts on YouTube. The contract was signed for **100.000 Euros**.
- ❖ My relatives and friends, the clients of my Lawyers Office, my students, my colleagues, they are all starting to change their opinion of me and they will start avoiding coming into contact with me as a result of these clips.  
These clips are invading and ruining my private life as I have shown above.
- ❖ My professional reputation has been gravely and probably irremediably affected.
- ❖ Confidence in the quality of services offered by the Lawyers Office I run has been greatly diminished.
- ❖ The quality of my work as an Academic has been put into question.
- ❖ My profession requires the full trust of a client, such trust being essential for good and professional relationships with the clients. Publishing such allegations on an international channel of information, allegations of

criminal actions being performed by myself, have a strong impact on whomever watches the clips found on www.youtube.com.

- ❖ The negative impact on my professional reputation has been evaluated in the “**Reputation damage analysis in the case of lawyer Diana Gavra**”, by **expert Diana-Maria Cismaru of Crystal Connections, an e-PR Agency**.
- ❖ The montage of these clips and titles used have all been done in an obvious way of attracting attention of the public and the language being used is extremely vulgar.
- ❖ A basic search on the internet for my name or my Law Office generates these video clips on the first search page.
- ❖ The damage increases with every day that these posts remain online as the number of views increases.
- ❖ The postings have generated an enquiry in my professional activity by the states prosecutors office as well as a disciplinary enquiry conducted by the Romanian Bar Association, even though these enquiries have found that I have not committed any of the acts I am being accused of, the simple fact that I have been investigated has created a great discomfort and has been an unnecessary invasion of my private and professional life.
- ❖ The credibility of the “Association Iuris Civilis” and it’s purposes have been seriously put into question.
- ❖ These video clips contain pictures of the contracts signed between the Lawyers Office Gavra Diana and the Băran family and the ones signed with the “Juris Civilis” Association, **contracts which contain confidential information**
- ❖ They reveal private and intimate information about my family, they say that I am married, that I have a child, they reveal the fact that one of my brothers is a prosecutor and the other is an advisor a the European Parliament at Bruxelles and that he is working with the Romanian President’s daughter, information that I did not want to make public.

Through these videos I am being continually injured as they present me as a corrupt character, unprofessional, subservient to interests other than those

involved in the profession, an undesirable person in the system , a real danger and a disgrace to the profession, and personally speaking, are presented as a physically unattractive person, devoid of morality, character and education. Of course the damage extends to law office I run, adversely affecting the image and confidence in the professional services they provide.

It is in the domain of obviousness that every day that passes and with every new person who watches these clips the damage to my reputation, my honor and my image increases and it will become an irremediable damage. The damage inflicted already cannot be remediated in the eyes of the persons who have already seen these clips, and my image, and the image of my Lawyer's Office and the Association I am President of, is definitively destroyed.

YouTubes's liability in this situation can be drawn from the fact that they had knowledge of these facts, they were formally notified by myself about the Site being used for defamation, slander and blackmail/extortion and they have refused to take action.

YouTube promises to remove content in these types of categories, and YouTube's failure to remove such content makes them an accessory after the fact which makes YouTube liable for any damage that may have been incurred by the posting of these clips starting with the date they had knowledge of such behavior on their Site. YouTube was well aware that Diana Gavra reported the aforementioned YouTube postings in that she felt "attack[ed], harass[ed] [and] demean[ed]" and that those clips were being used for blackmail.

The content of the videos we are, and have been requesting the removal of, contain images of myself which I have not authorized to be used as well as confidential information and private data about myself, my private law practice, Cabinet de Avocat (Lawyers Office) "Gavra Diana" and the Association "Juris Civilis".

**c. Privacy:**

CALIFORNIA CONSTITUTION  
ARTICLE I DECLARATION OF RIGHTS

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, **happiness, and privacy.**

Under Section 1798-1798.1 Cal.Civ.Code(Informtaion Practices Act of 1977):

1798.1. The Legislature declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them. The Legislature further makes the followir.g findings:

(a) The right to privacy is being threatened by the indiscriminate collection, maintenanc, and dissemination of personal information and the lack of effective laws and legal remedies.

(b) The increasing use of computers and other sophisticated information technology has greatly magnified the potential risk to individual privacy that can occur from the maintenance of personal information.

(c) In order to protect the privacy of individuals, it is necessary that the maintenance and dissemination of personal information be subject to strict limits.

So as a fundamental principle the Constitution of the State of California imposes a duty of protecting the privacy of an individual, especially by means of modern technology.

As it has already been shown above, the videos contain images of myself which I have not authorized to be used as well as confidential information and private data about myself, my private law practice, Cabinet de Avocat (Lawyers Office) "Gavra Diana" and the Association "Juris Civilis". There are also a lot of negative comments regarding my personal life, my family, my child, my marriage.

I ask for the protection of my right to a private life, the right to have a peaceful and quiet family life that is not made public, the right to have civilized relationships with my colleagues, my students and my clients, a right which is seriously being injured with every new person who watches these video clips.

**d. Defamation:**

A defamatory statement is a false statement of fact published to one or more third parties which harms one's reputation. *Parker v. House O'Lite Corp.*, 324 Ill. App. 3d 1014, 1020, 756 N.E.2d 286, 292 (1st Dist. 2001). A statement is defamatory "if it tends so to harm the reputation of another as to lower [her] in the estimation of the community or to deter third persons from associating or dealing with [her]." (Restatement (2d) of Torts, Sec. 559)). The plaintiff must prove that defendant made an unprivileged, false statement of and concerning the plaintiff to someone other than the plaintiff. *Id.*; *See Emery v. Northeast Illinois Regional Commuter R.R. Corp.*, 377 Ill. App. 3d 1013, 1021-22, 880 N.E.2d 1002, 1009 (1st Dist. 2007).

Under Cal. Civ. Code Secs. 44, 45a and 46, defamation needs to have the following elements:

- a. publication of statement of fact
- b. that is false,



- c. unprivileged,
- d. has a natural tendency to injure of which causes "special damage," and
- e. the defendant's fault in publishing the statement amounted to at least negligence.

A statement is defamation per se if it defames the plaintiff on its face, that is, without the need for extrinsic evidence to explain the statement's defamatory nature. See Cal. Civ. Code § 45a; *Yow v. National Enquirer, Inc.* 550 F.Supp.2d 1179, 1183 (E.D. Cal. 2008). I believe that the facts we have exposed so far constitute defamation per se.

Tom Bāran's accusations and statements on these videos are defamatory, they are published, they are false, unprivileged they had brought great injury to my person, my reputation, my personal and professional life and there is fault in publishing and he had knowledge that those statements were false.

YouTube has been negligent in not removing the posts from the Site hiding behind a claim that they cannot determine whether there is any truth to our claims. Since we are talking about defamation per se, as well as blackmail/extortion, there is no reasonable argument for them not taking the minimum precaution for avoiding such practices on their Site.

#### **e. Blackmail/extortion**

The offense of blackmail is created by 18 U.S.C. § 873 which provides:

Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined under this title or imprisoned not more than one year, or both."

California extortion laws are defined in Penal Codes 518 to 527 PC. Penal Code 518 defines extortion (which is commonly referred to as blackmail) as using force or threats to compel another to give you money or other property.

Mr. Tom Bāran's actions have been just that. He used defamatory statements published on a world wide accessible Site in order to force someone else into giving him a large sum of money.

I have been wrongfully accused of committing criminal acts in Romania through these posts. The gravity of the accusations created great distress to the plaintiff, made her vulnerable for extortion and YouTube's negligence regarding these actions makes them liable for any damage suffered from this blackmail.

**Section 230** of the Communications Decency Act of 1996 states that: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

However YouTube is liable not for publishing the statements, but for what those clips have been used for. Since the defamatory statements have been used for the purpose of committing a criminal act, the defendants gave the means for the criminal act to be performed, they had knowledge that such a criminal act was being performed on their Sites, or at least had reasonable grounds to suspect such behavior, and did not act on that information. In conclusion, they are liable as well for the damage the plaintiff had to suffer from that crime.

An individual is **complicit** in a crime if he/she is aware of its occurrence and has the ability to report the crime, but fails to do so. As such, the individual effectively allows criminals to carry out a crime despite possibly being able to stop them, either directly or by contacting the authorities, thus making the individual a de facto accessory to the crime rather than an innocent bystander.

## **6. Request for relief**

Our demands against Goolge Inc. are the following:

- A court order for the removal of all 13 video clips mentioned.
- Special damages in the amount of \$1,000,000.00 for lost profits of Lawyers Office "Gavra Diana" ;

- General damages of \$1,000,000.00 for damage to image, unauthorized use of image and private data and emotional distress of Ms. Gavra.
- Damages of \$1,000,000.00 due to damage to the image of the *Association Iuris Civilis*

7 Under Rule 38 of the Federal Rules of Civil Procedure we ask **for a trial by jury.**

Respectfully submitted,

12.24.2012

Plaintiffs,  
Diana Ramona Gavra

(Lawyers Office) Cabinet de Avocat  
Gavra Dina

  


Association Iuris Civilis



**Ehhibit A**  
**Correspondence with YouTube Support**

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2f95736676&view=pt...



CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

**Re: [#937365790] YouTube Support**

18 messages

YouTube Support <support@youtube.com>  
To: cab.av.gavra@gmail.com

Thu, Jan 5, 2012 at 5:27 AM

Hi Gavra

This email confirms that we have received your Privacy Complaint for the following content:

<http://www.youtube.com/watch?v=ju-DdzWzg4I>  
<http://www.youtube.com/watch?v=DTlwk5rnYPU>

To provide the uploader an opportunity to remove or edit their video, we have notified the uploader of the potential violation. Your privacy is respected during this process. At no point will your identity or contact information be released to the uploader without your consent. YouTube provides the uploader 48 hours to take action on the complaint. If the uploader removes the video during these 48 hours, the complaint filed will be closed. If the potential privacy violation remains on the site after 48 hours the complaint will get queued for review by the YouTube Team. There is a high volume of privacy complaints submitted, please be patient, your complaint will be carefully reviewed.

During these two days you may retract your claim by following this link and confirming your retraction:

[http://help.youtube.com/support/youtube/bin/request.py?contact\\_type=privacy\\_followup&ticket\\_id=937365790&confirmation\\_code=0hTVpS1qjV0&email=cab.av.gavra@gmail.com](http://help.youtube.com/support/youtube/bin/request.py?contact_type=privacy_followup&ticket_id=937365790&confirmation_code=0hTVpS1qjV0&email=cab.av.gavra@gmail.com)  
Regards,

The YouTube Team

CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>  
To: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

Fri, Jan 6, 2012 at 7:10 PM

[Quoted text hidden]

CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>  
To: diana gavra <diana\_gavra@yahoo.com>

Fri, Jan 6, 2012 at 7:11 PM

----- Forwarded message -----  
From: **YouTube Support** <support@youtube.com>  
Date: Thu, Jan 5, 2012 at 5:27 AM  
Subject: Re: [#937365790] YouTube Support  
To: cab.av.gavra@gmail.com

Grhail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/w0/?ui=2&ik=2195736676&view=pt...

[Quoted text hidden]

---

**YouTube Support** <support@youtube.com>  
To: cab.av.gavra@gmail.com

Wed, Jan 11, 2012 at 4:12 AM

Dear Gavra,

This email is to inform you that the privacy complaint you submitted has been transferred to the YouTube Team for review. We will evaluate your claim and, if your complaint is complete and valid, we will email you regarding our removal decision.

Regards,  
The YouTube Team

---

**YouTube Support** <support@youtube.com>  
To: cab.av.gavra@gmail.com

Wed, Jan 11, 2012 at 9:19 PM

Hi Gavra,

This email confirms that we have received your Privacy Complaint for the following content:

[http://www.youtube.com/watch?v=QJJ\\_LedQzNQ](http://www.youtube.com/watch?v=QJJ_LedQzNQ)  
<http://www.youtube.com/watch?v=0zXJu5xUOzw>  
[http://www.youtube.com/watch?v=ujjL9\\_A79c](http://www.youtube.com/watch?v=ujjL9_A79c)

To provide the uploader an opportunity to remove or edit their video, we have notified the uploader of the potential violation. Your privacy is respected during this process. At no point will your identity or contact information be released to the uploader without your consent. YouTube provides the uploader 48 hours to take action on the complaint. If the uploader removes the video during these 48 hours, the complaint filed will be closed. If the potential privacy violation remains on the site after 48 hours the complaint will get queued for review by the YouTube Team. There is a high volume of privacy complaints submitted; please be patient, your complaint will be carefully reviewed.

During these two days you may retract your claim by following this link and confirming your retraction:

[http://help.youtube.com/support/youtube/bin/request.py?contact\\_type=privacy\\_followup&ticket\\_id=943087278&confirmation\\_code=tIH3WnsQ210&email=cab.av.gavra@gmail.com](http://help.youtube.com/support/youtube/bin/request.py?contact_type=privacy_followup&ticket_id=943087278&confirmation_code=tIH3WnsQ210&email=cab.av.gavra@gmail.com)  
Regards

The YouTube Team

---

**CABINET AVOCAT GAVRA** <cab.av.gavra@gmail.com>  
To: diana.gavra <diana\_gavra@yahoo.com>

Thu, Jan 12, 2012 at 6:36 PM

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2f95736676&view=pt...

----- Forwarded message -----

From: **YouTube Support** <support@youtube.com>

[Quoted text hidden]

---

CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

Thu, Jan 12, 2012 at 6:53 PM

To: George Papu <george.papu@avocatpapu.ro>

----- Forwarded message -----

From: **YouTube Support** <support@youtube.com>

Date: Wed, Jan 11, 2012 at 9:19 PM

Subject: Re: [#943087278] YouTube Support

To: cab.av.gavra@gmail.com

[Quoted text hidden]

---

YouTube Support <support@youtube.com>

Fri, Jan 13, 2012 at 4:25 PM

To: cab.av.gavra@gmail.com

Hi there,

Thanks for your email.

We encourage you to submit your legal claim(s) online at <http://help.youtube.com/support/youtube/bin/answer.py?answer=140536&topic=10545>. To expedite our ability to investigate your claim, we encourage you to submit your claim electronically rather than by fax or post.

We have reviewed the content specified in your claim, however we are unfortunately not in a position to decisively determine whether the content in question is defamatory under relevant laws. Because we are not in a position to adjudicate the veracity of postings, we do not remove content postings due to allegations of defamation. For international defamation complaints we rely on the fact finding of judicial bodies to make such factual determinations. For this reason, we recommend that those who feel they may have been defamed pursue any claims they may have directly against the person who posted the content. You may contact the user in question through YouTube's private messaging feature. YouTube will of course respect any decision against the person who posted the content and will promptly remove the offending content if a court order requires it.

Regards,

The YouTube Team

Original Message Follows:

-----  
From: cab.av.gavra@gmail.com

Subject: YouTube Support

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2195736676&view=pt...

Date: Fri, 30 Dec 2011 15:20:31 +0000

- >
- >
- > AutoDetectedBrowser: Firefox
- > AutoDetectedOS: Windows 7
- > iiliLanguage: en
- > IssueType: privacy2
- > Language: en
- > country: RO
- > goodfaith: checked
- > legalfirstname: Gavra
- > legallastname: Diana
- > privacy\_multi\_timestamp\_2\_1: 0:00-0:22
- > privacy\_video\_copied: no
- > privacyaddinfo: I am a lawyer, full member of the Romanian Bar. The uploader of the video was a client of mine. The title of the videos and the
- > content are defamatory and my name and image were used without consent.
- > privacychannel: maf.automobilera
- > privacyimage: checked
- > privacylocation: privacylocvictitledesc
- > privacyname: checked
- > truecorrect: checked
- > videourls: <http://www.youtube.com/watch?v=ju-DdzVWzg4I>
- > <http://www.youtube.com/watch?v=DTlwK5rnYPU>
- >

**CABINET AVOCAT GAVRA** <cab.av.gavra@gmail.com>  
To: bogdanab@google.ro

Fri, Jan 13, 2012 at 8:09 PM

----- Forwarded message -----  
 From: **YouTube Support** <support@youtube.com>  
 Date: Fri, Jan 13, 2012 at 4:25 PM  
 Subject: Re: [#937365790] YouTube Support  
 To: cab.av.gavra@gmail.com

[Quoted text hidden]

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: cab.av.gavra@gmail.com

Fri, Jan 13, 2012 at 8:09 PM

Delivery to the following recipient failed permanently:

bogdanab@google.ro

Technical details of permanent failure:  
 Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550 5 1 1 <bogdanab@google.ro>... User unknown (state 14).

----- Original message -----



Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2195736676&view=pt...

MIME-Version: 1.0  
 Received: by 10.182.226.6 with SMTP id ro6mr1756945obc.3.1326478147638; Fri, 13 Jan 2012 10:09:07 -0800 (PST)  
 Received: by 10.182.79.70 with HTTP; Fri, 13 Jan 2012 10:09:07 -0800 (PST)  
 In-Reply-To: <#14.37df111e.5cc1cee6.4f103ede.ab5@google.trakken.com>  
 References: <(015174c3c0e1249ff04b550c632@google.com)>  
 <#14.37df111e.5cc1cee6.4f103ede.ab5@google.trakken.com>  
 Date: Fri, 13 Jan 2012 20:09:07 +0200  
 Message-ID: <CAAv=5oxhHKPvFrabkRbcBomw29yr-AOmZ0HMJN+cA6RsByWK-g@mail.gmail.com>  
 Subject: Fwd: [#937365790] YouTube Support  
 From: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>  
 To: bogdanab@google.ro  
 Content-Type: multipart/alternative; boundary=f46d04462f88cad72804b66cc2cb  
 [Quoted text hidden]

---

CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com> Sun, Jan 15, 2012 at 9:19 PM  
 To: diana.gavra@diana\_gavra@yahoo.com>, ardelean@licenselex.com

----- Forwarded message -----  
 From: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>  
 Date: Fri, Jan 6, 2012 at 7:11 PM  
 Subject: Fwd: [#937365790] YouTube Support  
 [Quoted text hidden]

---

YouTube Support <support@youtube.com> Tue, Jan 17, 2012 at 7:44 PM  
 To: cab.av.gavra@gmail.com

Hi there

Thanks for your email

We are unable to identify a violation of our Privacy Guidelines in the content you reported ([http://www.youtube.com/t/privacy\\_guidelines](http://www.youtube.com/t/privacy_guidelines)).

While you may be identifiable in the reported content, please note that we also take public interest, newsworthiness and consent into account when determining if content should be removed for a violation under our privacy guidelines.

If you have a specific legal concern, please visit the following link for further information:  
<http://help.youtube.com/support/youtube/bin/answer.py?answer=140536&topic=10545>

Regards,

The YouTube Team

Original Message Follows

-----  
 From: "YouTube Support" <support@youtube.com>  
 Subject: Re: [#943087278] YouTube Support  
 Date: Sun, 15 Jan 2012 20:58:27 -0000

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2195736676&view=pt...

> Dear mafia.mobiliara, This is to notify you that we have received a  
> privacy complaint from an individual regarding your content:  
> ----- Video  
URLs:  
> [http://www.youtube.com/watch?v=QJJ\\_LedQzNQ](http://www.youtube.com/watch?v=QJJ_LedQzNQ)  
> <http://www.youtube.com/watch?v=0zXJu5xUOzw>  
> [http://www.youtube.com/watch?v=ujilL9\\_A79c](http://www.youtube.com/watch?v=ujilL9_A79c)  
> The information reported as violating privacy is at 0\_00-8\_53.  
0\_00-2\_49  
> 0\_00-2\_49 - -----  
We  
> would like to give you an opportunity to review the content in question  
> and remove any personal information that may be used to uniquely  
identify  
> or contact the complainant. You have 48 hours to take action on the  
> complaint. If you remove the alleged violation from the site within the  
48  
> hours, the complaint filed will then be closed. If the potential privacy  
> violation remains on the site after 48 hours, the complaint will be  
> reviewed by the YouTube Team and may be removed pursuant to our Privacy  
> Guidelines ([http://www.youtube.com/t/privacy\\_guidelines](http://www.youtube.com/t/privacy_guidelines)). For content to  
> be considered for removal, an individual must be uniquely identifiable  
by  
> image, voice, full name, Social Security number, bank account number or  
> contact information (e.g., home address, email address). Examples that  
> would not violate our privacy guidelines include gamer tags, avatar  
names,  
> and address information in which the individual is not named. We also  
take  
> public interest, newsworthiness, and consent into account when  
determining  
> if content should be removed for a privacy violation. If the alleged  
> violation is located within the video itself, you may have to remove the  
> video completely. If someone's full name or other personal information  
is  
> listed within the title, description, or tags of your video, you can  
edit  
> this by going to My Videos and clicking the Edit button on the reported  
> video. Making a video private is not an appropriate method of editing,  
as  
> the status can be changed from private to public at any time. Because  
they  
> can be turned off at any time, annotations are also not considered an  
> acceptable solution. We're committed to protecting our users and hope  
you  
> understand the importance of respecting others' privacy. When uploading  
> videos in the future, please remember not to post someone else's image  
> or personal information without their consent. For more information, please  
> review our Privacy Guidelines  
> [http://www.youtube.com/t/privacy\\_guidelines](http://www.youtube.com/t/privacy_guidelines) Regards,  
>  
>  
> The YouTube Team  
>  
>  
>  
>

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2f95736676&view=pt...

**CABINET AVOCAT GAVRA** <cab.av.gavra@gmail.com>  
To: diana.gavra <diana.gavra@yahoo.com>

Tue, Jan 17, 2012 at 8:01 PM

----- Forwarded message -----  
From: **YouTube Support** <support@youtube.com>  
Date: Tue, Jan 17, 2012 at 7:44 PM  
Subject: Re: [#943087278] YouTube Support  
[Quoted text hidden]

**CABINET AVOCAT GAVRA** <cab.av.gavra@gmail.com>  
To: ardelean@licenselex.com

Tue, Jan 17, 2012 at 8:31 PM

----- Forwarded message -----  
From: **YouTube Support** <support@youtube.com>  
Date: Tue, Jan 17, 2012 at 7:44 PM  
Subject: Re: [#943087278] YouTube Support  
[Quoted text hidden]

diana.gavra <diana.gavra@yahoo.com>  
Reply-To: diana.gavra <diana.gavra@yahoo.com>  
To: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

Sat, May 5, 2012 at 11:01 AM

----- Forwarded Message -----  
From: diana.gavra <diana.gavra@yahoo.com>  
To: "ioana@salalegal.com" <ioana@salalegal.com>  
Sent: Thursday, March 1, 2012 4:36 PM  
Subject: Fw: Fwd: [#943087278] YouTube Support

----- Forwarded Message -----  
From: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>  
[Quoted text hidden]  
[Quoted text hidden]

diana.gavra <diana.gavra@yahoo.com>  
Reply-To: diana.gavra <diana.gavra@yahoo.com>  
To: CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

Sat, May 5, 2012 at 11:01 AM

----- Forwarded Message -----  
From: diana.gavra <diana.gavra@yahoo.com>  
To: "ioana@salalegal.com" <ioana@salalegal.com>  
Sent: Thursday, March 1, 2012 4:37 PM  
Subject: Fw: Fwd: [#937365790] YouTube Support

Gmail - Re: [#937365790] YouTube Support

https://mail.google.com/mail/u/0/?ui=2&ik=2195736676&view=pt...

--- Forwarded Message ---

**From:** CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

[Quoted text hidden]

[Quoted text hidden]

---

**diana gavra** <diana\_gavra@yahoo.com>

Sat, May 5, 2012 at 11:04 AM

**Reply-To:** diana gavra <diana\_gavra@yahoo.com>

**To:** CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

----- Forwarded Message -----

**From:** diana gavra <diana\_gavra@yahoo.com>

**To:** "Ioana@salalegal.com" <ioana@salalegal.com>

**Sent:** Thursday, March 1, 2012 4:37 PM

**Subject:** Fw: Fwd: [#937365790] YouTube Support

--- Forwarded Message ---

**From:** CABINET AVOCAT GAVRA <cab.av.gavra@gmail.com>

**To:** diana gavra <diana\_gavra@yahoo.com>; ardelean@licenselex.com

[Quoted text hidden]

[Quoted text hidden]

---

**CABINET AVOCAT GAVRA** <cab.av.gavra@gmail.com>

Thu, May 17, 2012 at 7:36 PM

**To:** ardelean@licenselex.com

----- Forwarded message -----

**From:** **diana gavra** <diana\_gavra@yahoo.com>

**Date:** Sat, May 5, 2012 at 11:04 AM

**Subject:** Fw: Fwd: [#937365790] YouTube Support

[Quoted text hidden]

**Exhibit B**

**Prosecutors Office confirmation of prosecution**

Translated from Romanian

ROMANIA  
PUBLIC MINISTRY  
THE PROSECUTOR'S OFFICE ATTACHED TO THE HIGH COURT OF  
CASSATION AND JUSTICE  
NATIONAL ANTICORRUPTION DIRECTORATE  
Offences Related to Corruption Crimes Department

NO. 40/P/2012

Data operator no. 4472

24.02.2012

**ADDRESSED TO**

**GAVRA DIANA RAMONA**  
**Bucharest, 132 Dorobantilor Street, et.1,ap.9, sector 1**

Following your request on 24.02.2012, to check the stage of investigation on file no. 40 P/2012, we inform you of the following:

- on 16.02.2012 criminal action was initiated against the defendants Baran Tom, in terms of the offence of blackmail under article. 131 of Law 78/2000 rap. at art. Paragraph 194. 1 and 2 of the Criminal Code and Neagu Daniela Janette - Bucharest Bar lawyer, in terms of complicity in the offence of blackmail under article 26 Criminal Code. rap. at art. 13 'of the Law 78/2000 in ref. at art. Paragraph 194. 1 and 2 of the Criminal Code;
- considering your complaint on 24/01/2012, currently you have the quality of the injured party in this criminal case;
- by Conclusion no. 1341/2/2012 (545/2012) of the Bucharest Court of Appeal on 18.02.2012, it was decided that Baran Tom and Neagu Daniela Janette will not be permitted to leave the city of Bucharest.

Also, we submit a copy of the request to the Bucharest Court of Appeal, by which we have been notified of the measure taken.

DEPARTMENT CHIEF PROSECUTOR  
DORU FLORIN TULUS

PROSECUTOR  
GEORGE NICA

stamp of the Public Ministry- DNA  
signature (illegible)

signature (illegible)