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11 **IN THE UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 CONSUMER OPINION LLC,
15 a Nevada limited liability company,

16 Plaintiff,

17 vs.

18 FRANKFORT NEWS CORP,
19 an entity of unknown origin;
20 FRANKFORT HERALD NEWS CORP,
21 an entity of unknown origin;
22 HEARST MEDIA LLC,
23 an entity of unknown origin;
24 HEART BROADCASTING NETWORKS,
25 an entity of unknown origin;
26 HEARST BROADCASTING NETWORKS,
an entity of unknown origin;
PALASTINETODAY MEDIACAST LLC,
an entity of unknown origin;
MITCHELL SHOOK, an individual;
ALAUDDIN AHMED, an individual;

(continued on following page)

Case No.

COMPLAINT FOR:

- (1) VIOLATION OF 17 U.S.C. § 512(f);**
- (2) UNLAWFUL, UNFAIR, AND FRAUDULENT BUSINESS PRACTICE UNDER CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200;**
- (3) CIVIL CONSPIRACY; and**
- (4) ABUSE OF PROCESS**

DEMAND FOR JURY TRIAL

1 MUHAMMAD ASHRAF; an individual;
 2 JUUSO HAGGMAN, an individual;
 3 SHEENA WILLIAM, an individual;
 4 JOSHUA FITZGNER, an individual;
 5 JOHN MATHEW, an individual;
 6 PHILLIP CANNELLA, an individual;
 7 BRAD KUSKIN, an individual;
 8 MARVELLANE FARMS LTD.,
 a Canadian entity;
 9 WAGNER TRUCKING INC,
 a Minnesota entity;
 10 JOHN DOES 1-10; and
 11 ROE CORPORATIONS 11-20,

Defendants.

12 Plaintiff CONSUMER OPINION LLC ("Opinion") hereby files this complaint
 13 against Defendants FRANKFORT NEWS CORP. ("Frankfort"), FRANKFORT HERALD
 14 NEWS CORP ("Frankfort Herald"), HEARST MEDIA LLC ("Hearst"), HEART
 15 BROADCASTING NETWORKS ("Heart"), HEARST BROADCASTING NETWORKS
 16 ("Hearst"), PALASTINETODAY MEDIACAST LLC, MITCHELL SHOOK, ALAUDDIN
 17 AHMED, MUHAMMAD ASHRAF, JOSHUA FITZGNER, JUUSO HAGGMAN, SHEENA
 18 WILLIAM, JOHN MATHEW, PHILLIP CANNELLA, BRAD KUSKIN, MARVELLANE
 19 FARMS LTD., WAGNER TRUCKING INC., John Does 1-10, and Roe Corporations 11-
 20 20, for violation of 17 U.S.C. § 512(f); unlawful, unfair, and fraudulent business
 21 practices under California Business and Professions Code § 17200; civil
 22 conspiracy; and abuse of process.

23 ///

24 ///

1 **1.0 INTRODUCTION**

2 1. Defendants are participants in a fraudulent “reputation
3 management” scheme by which they remove content critical of individuals or
4 businesses by systematically abusing the Digital Millennium Copyright Act’s
5 (“DMCA”) notice and takedown procedure.

6 2. The details of the scheme are ignoble but ingenious. It starts with an
7 entity or professional who has received negative reviews in online forums, such
8 as the web site <pissedconsumer.com>.¹ These reviews are devoid of
9 actionable content and contain the opinions of aggrieved customers.

10 3. The subject of the negative review then approaches a “reputation
11 management” company with the desire either to remove the offending content
12 altogether, or to have it de-listed from search engines such as Google.

13 4. The reputation management company, knowing that preliminary
14 injunctions are almost never permitted in defamation and related cases, abuses
15 the DMCA for the purpose of removing or de-listing this content.

16 5. As an integral part of this scheme, the “reputation management”
17 company creates a web site that purports to be a “news” site, which is designed
18 to look legitimate at a glance, but any degree of scrutiny reveals it as the
19 charade it is.

20 6. The company then copies the text of the offending review on the
21 consumer review web site and places a copy of it on the fake “news” web site,
22 attributing it to a separate author and attempting to pass it off as a “news”
23 article. This article is given a false publication date on the “news” web site that
24 pre-dates the original publication of this content on the consumer review web
25 site.

26 _____
¹ Owned and operated by Plaintiff Consumer Opinion LLC.

1 7. In the final phase of the scheme, the reputation management
2 company sends a DMCA notice to Google, claiming that the reviewer
3 committed copyright infringement by copying the fake "article." Because
4 Defendants have ensured that everything looks legitimate on the surface,
5 Google frequently accepts the notice and de-lists the content. With the
6 "article's" job done, the reputation management company then removes the
7 copied material from its fake "news" site, removing any trace of the offending
8 content.

9 8. In other words, a "reputation management company" (1) creates a
10 fake "news" web site, (2) steals a consumer review, (3) places the review on the
11 fake "news" site with a fake time stamp and claims ownership of it, and
12 (4) claims copyright in the review and sends a fake DMCA request.

13 9. Defendants have gotten away with this scheme for a number of
14 months. But Consumer Opinion LLC caught Defendants, and respectfully
15 requests that this Court enjoin Defendants from further conduct of this kind, and
16 that they pay damages plus attorneys' fees and costs incurred in bringing this
17 action.

18 **2.0 JURISDICTION AND VENUE**

19 10. This case arises under the 17 U.S.C. § 512(f) of the U.S. Copyright Act,
20 and California state law. This Court thus has subject-matter jurisdiction pursuant
21 to 28 U.S.C. §§ 1331 & 1338(a), and 17 U.S.C. § 101 *et seq.* Supplemental
22 jurisdiction is proper for the remaining claims pursuant to 28 U.S.C. § 1367.

23 11. This Court has personal jurisdiction under the California Long-Arm
24 Statute, Cal. Code Civ. Proc. § 410.10.

25 12. Personal jurisdiction is proper over Defendants because the
26 wrongful activity at issue, namely the transmission of fraudulent DMCA notices,
was directed at and completed in this state, as Google, Inc., a California

1 corporation, was the recipient of these DMCA notices and acted upon them in
2 this State. Defendants knew or should have known that Google Inc., the central
3 (yet unwitting) actor in this scheme, is located in this State. Defendants further
4 knew that by transmitting these DMCA notices to this district, they would be
5 causing censorship in this district, and that the actions they caused to be taken
6 would occur in this district.

7 13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2)
8 & (c)(2). Venue lies in the unofficial Southern Division of this Court.

9 **3.0. INTRADISTRICT ASSIGNMENT**

10 14. This action arose in Santa Clara County in that Defendants
11 submitted the fraudulent DMCA notices to Google Inc., located in Santa Clara
12 County. Accordingly, pursuant to Local Rules of Court 3-2(c) and (d), the Clerk
13 shall assign the action to the San Jose division.

14 **4.0. THE PARTIES**

15 15. Plaintiff Consumer Opinion LLC is a Nevada limited liability
16 company, and is the owner and operator of the consumer review web site
17 <pissedconsumer.com>.

18 16. There are three groups of Defendants: the first group consists of the
19 entities that transmitted fraudulent DMCA notices (the "Notice Defendants"):

- 20 a. Defendant Frankfort News Corp. is an entity of unknown origin.
- 21 b. Defendant Frankfort Herald News Corp. is an entity of unknown
22 origin.
- 23 c. Defendant Hearst Media LLC is an entity of unknown origin.
- 24 d. Defendant Heart Broadcasting Networks is an entity of unknown
25 origin.
- 26 e. Defendant Hearst Broadcasting Networks is an entity of unknown
origin.

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f. Defendant Palastinetoday Mediacast LLC is an entity of unknown origin.

g. On information and belief, Defendant Juuso Haggman is an individual residing in Finland.

17. The second group of defendants consists of the owners and operators of the fake "news" sites that provided the facial justification for the fraudulent DMCA notices (the "Operating Defendants"):

a. On information and belief, Mitchell Shook is an individual residing in Washington and is the registrant of the domain name <frankfortherald.com>.

b. On information and belief, Alauddin Ahmed is an individual residing in Illinois and is the registrant of the domain names <palastinetimes.com> and <palastinetoday.com>.

c. On information and belief, Muhammad Ashraf is an individual residing in Pakistan and is the registrant of the domain name <mashablecity.com>.

d. On information and belief, Joshua Fitzgner is an individual of unknown residence, and is the author of one of the fake "news" articles that served as the basis for a fraudulent DMCA notice.

e. On information and belief, Juuso Haggman is an individual residing in Finland, and is the author of one of the fake "news" articles that served as the basis for a fraudulent DMCA notice.

f. On information and belief, Sheena William is an individual of unknown residence, and is the author of one of the fake "news" articles that served as the basis for a fraudulent DMCA notice.

1 g. On information and belief, John Mathew is an individual of
2 unknown residence, and is the author of one of the fake "news"
3 articles that served as the basis for a fraudulent DMCA notice.

4 18. The third group of Defendants consists of the individuals and entities
5 who approached the other Defendants and either instructed them to abuse the
6 DMCA or were informed of the scheme's details and approved of it, and who
7 benefited from this scheme (the "Benefitting Defendants"):

8 a. On information and belief, Phillip Cannella is an individual
9 residing in Philadelphia, Pennsylvania and works as a financial
10 advisor.

11 b. On information and belief, Brad Kuskin is an individual residing in
12 the State of Florida and works as a consultant for criminal
13 defense attorneys in West Palm Beach, Florida.

14 c. On information and belief, Marvellane Farms Ltd. is an entity
15 located in Ottawa, Canada, which conducts farming
16 operations.

17 d. On information and belief, Wagner Trucking Inc. is a Minnesota
18 corporation that provides trucking and hauling services.

19 19. The identities of John Doe Defendants are currently unknown, but
20 will be uncovered during discovery. These Defendants are individuals who
21 designed, facilitated, and/or carried out Defendant's fraudulent DMCA
22 scheme.

23 20. The identities of Roe Corporation Defendants are currently
24 unknown, but will be uncovered during discovery. These defendants are entities
25 that designed, facilitated, and/or carried out Defendant's fraudulent DMCA
26 scheme.

1 **5.0 FACTS COMMON TO ALL CLAIMS**

2 21. Starting no later than December 2015, Defendants began to carry
3 out a scheme by which they abused the DMCA's notice and takedown
4 procedure by falsely claiming content as their own for the purpose of targeting
5 said content with fraudulent DMCA notices.

6 **THE MARVELLANE FARMS DMCA NOTICE**

7 22. On December 15, 2015, Defendant Hearst Broadcasting Networks
8 sent a DMCA notice to Google Inc. concerning content on Plaintiff's web site
9 <pissedconsumer.com>. The allegedly infringing content identified in the notice
10 consisted of statements critical of Defendant Marvellane Farms Ltd.
11 (See Marvellane Farms DMCA Notice, attached as **Exhibit 1.**)

12 23. The DMCA notice claimed copyright in an "article" published on
13 the web site <palastinetimes.com>, with an alleged publication date of July 15,
14 2014. (See Marvellane Farms article, attached as **Exhibit 2.**)

15 24. The DMCA notice claimed that this "article" was infringed by a
16 consumer review on the <pissedconsumer.com> web site with a publication
17 date of July 26, 2014. (See Marvellane Farms review, attached as **Exhibit 3.**)

18 25. The Marvellane Farms DMCA notice was fraudulent. The "article"
19 was not published on the <palastinetimes.com> web site on July 15, 2014; in
20 fact, on information and belief, the <palastinetimes.com> web site did not
21 display any content that could be described as "news articles" until a few
22 months ago.

23 26. Instead, shortly before sending the DMCA notice, Defendant Hearst
24 Broadcasting Networks copied the content of the <pissedconsumer.com>
25 review, uploaded it to the <palastinetimes.com> web site, and provided it with
26 a false publication date to make it appear that it was published prior to the
<pissedconsumer.com> review.

1 27. Defendant Sheena William is the purported author of this “article,”
2 and either carried out these fraudulent activities or was a willing participant in
3 them.

4 28. Defendant Hearst Broadcasting Networks knew that the
5 <pissedconsumer.com> review identified in its DMCA notice was not infringing
6 any work owned by it, and in fact that it had committed copyright infringement
7 by copying the entirety of the review.

8 29. Defendant Hearst Broadcasting Networks transmitted the DMCA
9 notice to Google Inc. in bad faith, knowing that no copyright infringement had
10 occurred, for the purpose of tricking Google Inc. into de-listing the
11 <pissedconsumer.com> review from Google search engine results.

12 30. Defendant Marvellane Farms Ltd. either instructed Defendant
13 Hearst Broadcasting Networks to send this fraudulent DMCA notice, or was
14 informed that it would be sent and approved of it.

15 31. On information and belief, Defendant Alauddin Ahmed was the
16 registrant of the <palastinetimes.com> domain name at the time this fraudulent
17 DMCA notice was sent, and either instructed Defendant Hearst Broadcasting
18 Networks to send it or assisted Hearst in sending it.

19 **THE PHILLIP CANNELLA DMCA NOTICE**

20 32. On January 28, 2016, Defendant Palastinetoday Mediacast LLC sent
21 a DMCA notice to Google Inc. concerning content on Plaintiff's web site
22 <pissedconsumer.com>. The allegedly infringing content identified in the notice
23 consisted of statements critical of Defendant Phillip Cannella. (See Phillip
24 Cannella DMCA Notice, attached as **Exhibit 4**.)

25 33. The DMCA notice claimed copyright in an “article” published on
26 the web site <palastinetoday.com>, with an alleged publication date of June
22, 2013. (See Phillip Cannella article, attached as **Exhibit 5**.)

1 34. The DMCA notice claimed that this "article" was infringed by a
2 consumer review on the <pissedconsumer.com> web site with a publication
3 date of June 27, 2013. (See Phillip Cannella review, attached as **Exhibit 6.**)

4 35. The Phillip Cannella DMCA notice was fraudulent. The "article" was
5 not published on the <palastinetoday.com> web site on June 22, 2013.

6 36. Instead, shortly before sending the DMCA notice, Defendant
7 Palastinetoday Mediacast LLC copied the content of the
8 <pissedconsumer.com> review, uploaded it to the <palastinetoday.com> web
9 site, and provided it with a false publication date to make it appear that it was
10 published prior to the <pissedconsumer.com> review.

11 37. Defendant Joshua Fitzgner is the purported author of this "article,"
12 and either carried out these fraudulent activities or was a willing participant in
13 them.

14 38. Defendant Palastinetoday Mediacast LLC knew that the
15 <pissedconsumer.com> review identified in its DMCA notice was not infringing
16 any work owned by it, and in fact that it had committed copyright infringement
17 by copying the entirety of the review.

18 39. Defendant Palastinetoday Mediacast LLC transmitted the DMCA
19 notice to Google Inc. in bad faith, knowing that no copyright infringement had
20 occurred, for the purpose of tricking Google Inc. into de-listing the
21 <pissedconsumer.com> review from Google search engine results.

22 40. Defendant Phillip Cannella either instructed Defendant
23 Palastinetoday Mediacast LLC to send this fraudulent DMCA notice, or was
24 informed that it would be sent and approved of it.

25 41. On information and belief, Defendant Alauddin Ahmed was the
26 registrant of the <palastinetoday.com> domain name at the time this fraudulent

1 DMCA notice was sent, and either instructed Defendant Palastinetoday
2 Mediacast LLC to send it or assisted Palastinetoday in sending it.

3 **THE BRAD KUSKIN DMCA NOTICE**

4 42. On April 15, 2016, Defendant Frankfort News Corp sent a DMCA
5 notice to Google Inc. concerning content on Plaintiff's web site
6 <pissedconsumer.com>. The allegedly infringing content identified in the notice
7 consisted of statements critical of Defendant Brad Kuskin. (See Brad Kuskin
8 DMCA Notice, attached as **Exhibit 7**.)

9 43. The DMCA notice claimed copyright in an "article" published on
10 the web site <frankfortherald.com>, with an alleged publication date of
11 January 5, 2012. (See Brad Kuskin article, attached as **Exhibit 8**.)

12 44. The DMCA notice claimed that this "article" was infringed by a
13 consumer review on the <pissedconsumer.com> web site with a publication
14 date of January 7, 2012. (See Brad Kuskin review, attached as **Exhibit 9**.)

15 45. The Brad Kuskin DMCA notice was fraudulent. The "article" was not
16 published on the <frankfortherald.com> web site on June 22, 2013. In fact,
17 according to Archive.org's Wayback Machine, as late as August 17, 2015, the
18 <frankfortherald.com> domain name resolved to a generic parking page.
19 (See <frankfortherald.com> Wayback Machine record, attached as **Exhibit 10**.)

20 46. Instead, shortly before sending the DMCA notice, Defendant
21 Frankfort News Corp copied the content of the <pissedconsumer.com> review,
22 uploaded it to the <frankfortherald.com> web site, and provided it with a false
23 publication date to make it appear that it was published prior to the
24 <pissedconsumer.com> review.

25 47. Defendant John Mathew is the purported author of this "article,"
26 and either carried out these fraudulent activities or was a willing participant in
them.

1 48. Defendant Frankfort News Corp knew that the
2 <pissedconsumer.com> review identified in its DMCA notice was not infringing
3 any work owned by it, and in fact that it had committed copyright infringement
4 by copying the entirety of the review.

5 49. Defendant Frankfort News Corp transmitted the DMCA notice to
6 Google Inc. in bad faith, knowing that no copyright infringement had occurred,
7 for the purpose of tricking Google Inc. into de-listing the <pissedconsumer.com>
8 review from Google search engine results.

9 50. Defendant Brad Kuskin either instructed Defendant Frankfort News
10 Corp to send this fraudulent DMCA notice, or was informed that it would be sent
11 and approved of it.

12 51. On information and belief, Defendant Mitchell Shook was the
13 registrant of the <frankfortherald.com> domain name at the time this fraudulent
14 DMCA notice was sent, and either instructed Defendant Frankfort News Corp to
15 send it or assisted Frankfort in sending it.

16 THE WAGNER TRUCKING DMCA NOTICE

17 52. On May 3, 2016, Defendant Juuso Haggman sent a DMCA notice to
18 Google Inc. concerning content on Plaintiff's web site <pissedconsumer.com>.
19 The allegedly infringing content identified in the notice consisted of statements
20 critical of Defendant Wagner Trucking Inc. (See Wagner Trucking DMCA Notice,
21 attached as **Exhibit 11.**)

22 53. The DMCA notice claimed copyright in an "article" published on
23 the web site <mashablecity.com>, with an alleged publication date of October
24 18, 2012. (See Wagner Trucking article, attached as **Exhibit 12.**)

25 54. The DMCA notice claimed that this "article" was infringed by a
26 consumer review on the <pissedconsumer.com> web site with a publication
date of May 15, 2013, as well as all <pissedconsumer.com> pages containing

1 reviews of Defendant Wagner Trucking. (See Wagner Trucking review, attached
2 as **Exhibit 13**.)

3 55. The Wagner Trucking DMCA notice was fraudulent. The “article”
4 was not published on the <mashablecity.com> web site on October 18, 2012. In
5 fact, according to Archive.org's Wayback Machine, as late as January 10, 2016,
6 the <mashablecity.com> domain name resolved to the web site located at
7 <mashablecity.org>, which only contained the message “Mashable City is an
8 open community project, aimed at turning Providence, RI into the most
9 mashup-friendly place on earth.” (See <mashablecity.com> Wayback Machine
10 record, attached as **Exhibit 14**.)

11 56. On information and belief, the <mashablecity.com> domain name
12 was not used to host any content that could be described as “news articles”
13 until sometime after March 2016.

14 57. Instead, shortly before sending the DMCA notice, Defendant Juuso
15 Haggman copied the content of the <pissedconsumer.com> review, uploaded
16 it to the <mashablecity.com> web site, and provided it with a false publication
17 date to make it appear that it was published prior to the
18 <pissedconsumer.com> review.

19 58. This particular scam was somewhat more sophisticated than the
20 others. Instead of copying the <pissedconsumer.com> review verbatim,
21 Defendant Juuso Haggman changed the name of the subject of the “article”
22 from Wagner Trucking Inc. to Cam Transport Inc.² and altered a handful of
23 details in the review. The vast majority of the review was copied verbatim,
24 however.

25 _____
26 ² This way the fake “news article” could provide the basis of a fraudulent
DMCA notice without even temporarily creating potential negative publicity for
Wagner Trucking.

1 59. Defendant Juuso Haggman is also the purported author of this
2 "article," and either carried out these fraudulent activities or was a willing
3 participant in them.

4 60. Defendant Juuso Haggman knew that the <pissedconsumer.com>
5 review identified in his DMCA notice was not infringing any work owned by him,
6 and in fact that he had committed copyright infringement by copying the
7 entirety of the review.

8 61. Defendant Juuso Haggman transmitted the DMCA notice to
9 Google Inc. in bad faith, knowing that no copyright infringement had occurred,
10 for the purpose of tricking Google Inc. into de-listing the <pissedconsumer.com>
11 review from Google search engine results.

12 62. Defendant Wagner Trucking Inc. either instructed Defendant Juuso
13 Haggman to send this fraudulent DMCA notice, or was informed that it would
14 be sent and approved of it.

15 63. On information and belief, Defendant Muhammad Ashraf was the
16 registrant of the <mashablecity.com> domain name at the time this fraudulent
17 DMCA notice was sent, and either instructed Defendant Juuso Haggman to
18 send it or assisted Defendant Juuso Haggman in sending it.

19 **NOTICES FROM RELATED ENTITIES**

20 64. On January 6, 2016, Defendant Heart Broadcasting Networks sent
21 Google Inc. a DMCA notice requesting removal of a consumer review on the
22 web site <ripoffreport.com>, based on the allegation that the review copied
23 content on the web site <frankfortherald.com>. (See Richard C. Wayne DMCA
24 Notice, attached as **Exhibit 15.**)

25 65. As with the DMCA notices directed at <pissedconsumer.com>, this
26 notice was fraudulent in that the allegedly infringed content on

1 <frankfortherald.com> was actually copied from the allegedly infringing review
2 on <ripoffreport.com>.

3 66. The <frankfortherald.com> web site contains the notice "Copyright
4 © 2015 Heart Broadcasting Networks."

5 67. On information and belief, Defendant Heart Broadcasting Networks
6 is a confederate or alter ego of the Defendants that sent fraudulent DMCA
7 notices targeted at content on the <pissedconsumer.com> web site.

8 68. On March 15, 2016, Defendant Hearst Media LLC sent Google Inc. a
9 DMCA notice requesting removal of content on the web site of a CBS affiliate
10 located in Pittsburgh, claiming that the content of the CBS article was copied
11 from an "article" on <frankfortherald.com>. (See March 15, 2016 CBS DMCA
12 Notice, attached as **Exhibit 16.**)

13 69. On April 5, 2016, Defendant FrankFort Herald News Corp. sent
14 Google Inc. a DMCA notice requesting removal of the exact same CBS article
15 that was the target of the March 15 notice, claiming that the content of the CBS
16 article was copied from the same "article" on <frankfortherald.com>.
17 (See April 5, 2016 CBS DMCA Notice, attached as **Exhibit 17.**)

18 70. As with the DMCA notices directed at the <pissedconsumer.com>
19 web site, these notices were fraudulent in that the allegedly infringed content
20 on <frankfortherald.com> was actually copied from the allegedly infringing
21 article on the CBS affiliate's web site.

22 71. As Defendants Hearst Media LLC and Defendant Frankfort Herald
23 News Corp. sent identical DMCA notices directed at the same content
24 allegedly copied from the <frankfortherald.com> web site, these Defendants
25 are either confederates or alter egos of the entities that sent the fraudulent
26 DMCA notices seeking to remove content on the <pissedconsumer.com> web
site.

6.0. FIRST CLAIM FOR RELIEF
Violation of 17 U.S.C. § 512(f)
(Against all Defendants)

1
2
3 72. Plaintiff repeats and incorporates herein by reference the
4 allegations in the preceding paragraphs of this Complaint.

5 73. On information and belief, none of the reviews on
6 <pissedconsumer.com> infringed any copyright owned or administered by any
7 Defendant.

8 74. On information and belief, Defendants knew or should have known
9 that none of these reviews infringed on any copyright interest of any Defendant
10 on the date each Defendant sent each fraudulent DMCA notice.

11 75. Defendants sent the DMCA notices for the purpose of interfering
12 with Plaintiff's business and/or for the purpose of suppressing criticism of the
13 subjects of the <pissedconsumer.com> reviews' products or business practices.

14 76. This is an improper use of the DMCA takedown scheme, and is
15 specifically prohibited by law. 17 U.S.C. § 512(f).

16 77. Defendants violated 17 U.S.C. § 512(f) by knowingly materially
17 misrepresenting that the targeted <pissedconsumer.com> reviews infringed their
18 copyrights.

19 78. Defendants actually knew of the material falsity of their
20 representations, as Defendants themselves committed copyright infringement in
21 copying the <pissedconsumer.com> reviews and claiming them as their own.

22 79. If Defendants did not affirmatively know of the material falsity of
23 their representations, they were willfully blind as to their material falsity.

24 80. As a direct and proximate result of Defendants' actions, Plaintiff has
25 been injured in an amount to be determined at trial.

26 81. Such injury includes, but is not limited to, the financial and personal
expenses associated with responding to the DMCA notices, diminution in

1 business resulting from content being de-indexed and/or removed by Google
2 Inc., and harm to Plaintiff's free speech rights under the First Amendment.

3 82. Plaintiff has been forced to retain the services of an attorney to
4 pursue this action, and is entitled to recover its attorneys' fees and any and all
5 costs associated with pursuing this matter, as permitted under 17 U.S.C. §§ 505
6 & 512(f).

7 83. In the alternative, Plaintiff asks for attorneys' fees as damages due
8 to the bad-faith actions of Defendants in these matters.

9
10 **7.0 SECOND CLAIM FOR RELIEF**
11 **Unlawful, Unfair, and Fraudulent Business Practices**
12 **Under California Business and Professions Code § 17200**
13 **(Against all Defendants)**

14 84. Plaintiff repeats and incorporates herein by reference the
15 allegations in the preceding paragraphs of this Complaint.

16 85. Defendants' acts and conduct, as alleged above in this Complaint,
17 constitute unlawful, unfair, and/or fraudulent business acts or practices as
18 defined by California Business and Professions Code § 17200 *et seq.*

19 86. Defendants' acts of unlawful, unfair, and fraudulent competition
20 have caused harm to competition, to consumers, to the competitors of the
21 business defendants, and to Plaintiff. In particular, Defendants' acts have
22 deprived the consuming public of valuable information about the goods and
23 services offered by the Defendants who benefited from their scheme, harming
24 the public in general and giving such individuals and entities an unfair
25 competitive advantage.

26 87. Defendants' acts of unlawful, unfair, and fraudulent competition
have proximately caused Plaintiff to suffer injury in fact and loss of money
and/or property (including as a result of expenses that Plaintiff has and will incur

1 in its efforts to prevent and deter Defendants from engaging in unlawful
2 conduct) in an amount to be proven at trial.

3 88. Defendants' acts of unlawful, unfair, and fraudulent competition
4 have also caused irreparable and incalculable injury to Plaintiff, its business, and
5 its good will, and unless enjoined, could cause further irreparable and
6 incalculable injury, whereby Plaintiff has no adequate remedy at law.

7
8 **8.0 THIRD CLAIM FOR RELIEF**
9 **Abuse of Process**
10 **(Against all Defendants)**

11 89. Defendants used the DMCA process, including false sworn
12 statements, to accomplish a purpose for which the DMCA notice and takedown
13 procedure was not designed.

14 90. Defendants used the false and perjurious DMCA notice to suppress
15 criticism and to deprive customers of valuable information, and not to address
16 any copyright concerns.

17 91. Defendants deliberately perverted this particular legal process for its
18 own benefit and in order to suppress Plaintiff's rights.

19 92. Defendants' actions were willful and wanton and were committed
20 with deliberate disregard for the law, including the Copyright Act and laws
21 prohibiting perjury.

22 93. As a direct and proximate result of Defendants' actions, Plaintiff has
23 been injured in an amount to be determined at trial.

24 94. Plaintiff has been forced to retain the services of an attorney to
25 pursue this action, and is entitled to recover its attorneys' fees and any and all
26 costs associated with pursuing this matter. In the alternative, Plaintiff asks for
attorneys' fees as damages due to the bad-faith actions of Defendant in these
matters.

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9.0 FOURTH CLAIM FOR RELIEF
Civil Conspiracy
(Against all Defendants)

95. Plaintiff repeats and incorporates herein by reference the allegations in the preceding paragraphs of this Complaint.

96. Defendants, and each of them, conspired, confederated, and colluded with the other defendants to engage in the above described scheme which constitutes violation of 17 U.S.C. § 512(f), fraudulent and unfair business practices, and an abuse of legal process, to Defendants' economic benefit and Plaintiff's economic harm.

97. Defendants, and each of them, took affirmative steps to advance the conspiracy by taking part in formulating and sending the fraudulent DMCA notices that were calculated to have consumer reviews de-indexed.

98. On information and belief, Defendants jointly conceived and organized a scheme to send fraudulent DMCA notices for the purpose of tricking Google Inc. into de-indexing consumer reviews on <pissedconsumer.com>. Defendants engaged in these actions with full knowledge that those actions would cause harm to Plaintiff.

10.0 PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment for Plaintiff and against Defendants as follows:

- A. General damages based on Defendants' conduct as alleged herein in an amount to be determined at trial;
- B. Punitive damages based on Defendants' willful, malicious, intentional, and deliberate acts in an amount to be determined at trial;

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- C. Prejudgment and post-judgment interest at the rate allowed by law;
- D. Reasonable attorneys' fees and expenses of litigation;
- E. Injunctive relief prohibiting Defendants from continuing to send fraudulent DMCA notices in violation of 17 U.S.C. § 512(f), engage in unlawful, unfair, and/or fraudulent business acts or practices, and abuse of process as described above in this Complaint; and
- F. All other relief to which Plaintiff may be entitled.

11.0 JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure

Dated: September 2, 2016.

Respectfully Submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ Marc J. Randazza

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