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10 *Sport Lisboa e Benfica - Futebol SAD*

11
12 **IN THE UNITED STATES DISTRICT COURT**

13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 SPORT LISBOA E BENFICA -
15 FUTEBOL SAD,

16 PLAINTIFF,

17
18 VS.

19 JOHN DOE 1, AN UNKNOWN
20 PERSON OR ENTITY,
21 AUTOMATTIC INC., A DELAWARE
22 CORPORATION, CLOUDFLARE,
23 INC., A DELAWARE
24 CORPORATION, REALISTIC
25 GROUP, LLC, AN ENTITY, FORM
26 UNKNOWN, REGTIME LTD., AN
27 ENTITY, FORM UNKNOWN;
28 MARKMONITOR INC., A
DELAWARE CORPORATION,
GOOGLE LLC, A DELAWARE
LIMITED LIABILITY COMPANY,
FRANTECH SOLUTIONS, AN

Civil Action No. 18-cv-2978

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF:**

1. **VIOLATION OF THE
COMPUTER FRAUD AND
ABUSE ACT (18 U.S.C. § 1030)**
2. **VIOLATION OF THE STORED
COMMUNICATIONS ACT (18
U.S.C. §§ 2701 ET SEQ.)**
3. **UNAUTHORIZED ACCESS TO
COMPUTERS, COMPUTER
SYSTEMS AND COMPUTER
DATA (CAL. PENAL CODE § 502)**
4. **UNIFORM TRADE SECRETS
ACT (CAL. CIV. CODE § 3426, ET
SEQ.)**
5. **INTENTIONAL INTERFERENCE
WITH PROSPECTIVE
ECONOMIC ADVANTAGE**
6. **NEGLIGENT INTERFERENCE**

1 ENTITY, FORM UNKNOWN, AND
2 DOES 2-100, INCLUSIVE,
3 DEFENDANTS.

**WITH PROSPECTIVE
ECONOMIC ADVANTAGE
7. UNFAIR COMPETITION - CAL.
BUS. & PROF. CODE § 17200
8. CONVERSION
9. TRESPASS TO CHATTELS
10.UNJUST
ENRICHMENT/RESTITUTION
11.CIVIL CONSPIRACY
12.AIDING AND ABETTING
13.DECLARATORY RELIEF

DEMAND FOR JURY TRIAL**

11 COMES NOW, Plaintiff, SPORT LISBOA E BENFICA - FUTEBOL SAD,
12 (“Plaintiff”), and hereby brings this Complaint against Defendants, JOHN DOE 1, AN
13 UNKNOWN PERSON OR ENTITY, AUTOMATTIC INC., A DELAWARE
14 CORPORATION, CLOUDFLARE, INC., A DELAWARE CORPORATION,
15 REALISTIC GROUP, LLC, AN ENTITY, FORM UNKNOWN, REGTIME LTD., AN
16 ENTITY, FORM UNKNOWN, MARKMONITOR INC., A DELAWARE
17 CORPORATION, GOOGLE LLC, A DELAWARE LIMITED LIABILITY
18 COMPANY, FRANTECH SOLUTIONS, AN ENTITY, FORM UNKNOWN, AND
19 DOES 2-20, INCLUSIVE, (collectively, “Defendants”), and alleges as follows:

20 Each and every of the allegations of this Complaint, stated on information and
21 belief, either do or are likely to have evidentiary support after a reasonable opportunity
22 for further investigation and/or discovery

23 **NATURE OF THE ACTION**

24 1. Sport Lisboa e Benfica, commonly known as “Benfica,” is a Portuguese
25 multisports club based in Lisbon, Portugal, which is best known for the Plaintiff, its
26 professional football team (commonly called “soccer” in the United States) playing in
27 the Primeira Liga, the top flight of Portuguese football. Plaintiff is the current
28

1 Portuguese champion, having won four consecutive league titles. In its sports and
2 business dealings Plaintiff maintains sensitive, proprietary, private, confidential and
3 privileged communications, data, information and documents within its protected
4 computer network.

5 2. This is a civil action for injunctive relief and damages arising under The
6 Computer Fraud and Abuse Act, 18 U.S.C. § 1030, the Stored Communications Act, 18
7 U.S.C. §§ 2701 et seq. among other state and federal statutory and common law causes
8 of action, as set forth below in more detail. As alleged more fully below, Defendants,
9 acting in concert, planned, organized, financed, and executed multiple hackings of
10 Plaintiff's protected computer network, and the unauthorized and unlawful removal of
11 content from Plaintiff's protected computer network. Namely, Defendants stole
12 Plaintiff sensitive, proprietary, private, confidential and privileged communications,
13 data, information and documents located within Plaintiff's protected computer network
14 (the "Stolen Materials").

15 3. Plaintiff is informed and believes and, based upon such information and
16 belief alleges, that after stealing the Stolen Materials, Defendants, without Plaintiff's
17 authorization, uploaded the Stolen Materials onto the Internet on multiple webpages
18 within multiple websites owned and/or controlled by Defendants.

19 **PARTIES**

20 4. Plaintiff, SPORT LISBOA E BENFICA - FUTEBOL SOCIEDADE
21 ANÓNIMA DESPORTIVA, is a Portuguese public limited company, which owns and
22 operates a website doing business on the Internet, including within this jurisdiction.

23 5. Plaintiff is informed and believes and, based upon such information and
24 belief alleges, that Defendant JOHN DOE 1, an unknown person or entity ("Hacker"),
25 individually and/or jointly with Defendants, acting in concert, planned, organized,
26 financed, and executed multiple hackings of Plaintiff's protected computer network,
27 and the unauthorized and unlawful removal of the content from Plaintiff's protected
28 computer network. Hacker, individually and/or jointly with Defendants, stole the

1 Stolen Materials. Plaintiff is informed and believes and, based upon such information
2 and belief alleges, that after stealing the Stolen Materials, Hacker, without Plaintiff's
3 authorization, uploaded the Stolen Materials onto the Internet on multiple webpages
4 within multiple websites owned and/or controlled by Defendants.

5 6. Plaintiff is informed and believes and, based upon such information and
6 belief alleges, that Defendant AUTOMATTIC INC. ("Defendant Automattic") is a
7 Delaware corporation licensed to do and is doing business in California, with a
8 principal place of business located at 2 Embarcadero Center, 8th Floor, San Francisco,
9 California. Plaintiff is informed and believes and, based upon such information and
10 belief alleges, that Defendant Automattic owns and/or hosts the website located at the
11 universal resource locator ("URL") <https://www.wordpress.com> in this jurisdiction.

12 7. Plaintiff is informed and believes and, based upon such information and
13 belief alleges, that Defendant CLOUDFLARE, INC. ("Defendant CloudFlare") is a
14 Delaware corporation licensed to do and is doing business in California, with a
15 principal place of business located at 101 Townsend, San Francisco, California.
16 Plaintiff is informed and believes and, based upon such information and belief alleges,
17 that Defendant CloudFlare owns and/or hosts the website located at the URL
18 <http://www.rgho.st> in this jurisdiction.

19 8. Plaintiff is informed and believes and, based upon such information and
20 belief alleges, that Defendant REALISTIC GROUP, LLC ("Defendant RG"), is an
21 entity, form unknown, doing business on the Internet through its website located at the
22 URL <http://www.rgho.st> in this jurisdiction.

23 9. Plaintiff is informed and believes and, based upon such information and
24 belief alleges, that Defendant REGTIME LTD. ("Defendant Regtime"), is an entity,
25 form unknown, doing business on the Internet through its website located at the URL
26 <http://www.rgho.st> in this jurisdiction.

27 10. Plaintiff is informed and believes and, based upon such information and
28 belief alleges, that Defendant MARKMONITOR INC. ("Defendant MarkMonitor") is a

1 Delaware corporation doing business in California, with a principal place of business
2 located at 50 California St., Suite 200, San Francisco, California. Plaintiff is informed
3 and believes and, based upon such information and belief alleges, that Defendant
4 MarkMonitor owns and/or hosts the website located at the URL <http://www.blogspot.pt>
5 in this jurisdiction.

6 11. Plaintiff is informed and believes and, based upon such information and
7 belief alleges, that Defendant GOOGLE LLC (“Defendant Google”) is a Delaware
8 limited liability company licensed to do and is doing business in California, with a
9 principal place of business located at 1600 Amphitheatre Parkway, Mountain View,
10 California. Plaintiff is informed and believes and, based upon such information and
11 belief alleges, that Defendant Google owns and/or hosts the website located at the URL
12 <http://www.blogspot.pt> in this jurisdiction.

13 12. Plaintiff is informed and believes and, based upon such information and
14 belief alleges, that Defendant FRANTECH SOLUTIONS (“Defendant FranTech”), is
15 an entity, form unknown, doing business on the Internet in this jurisdiction.

16 13. Defendants DOES 2 through 100, inclusive, are sued herein under
17 fictitious names; the true names and capacities are unknown to Plaintiff. When the true
18 names and capacities are ascertained, Plaintiff will amend this pleading by inserting the
19 true names and capacities herein.

20 14. Plaintiff is informed and believes and, based upon such information and
21 belief alleges, that in engaging in the wrongful acts alleged in this Complaint,
22 Defendants acted in concert and in conspiracy with one another and/or other persons or
23 entities, whose identities and locations are presently unknown to Plaintiff and its
24 counsel. Once the identities and locations of such persons and entities are ascertained
25 by Plaintiff, Plaintiff will amend this pleading to add such persons and/or entities as
26 named defendants in this action.

27 15. Plaintiff is informed and believes and, based upon such information and
28 belief alleges, that each of the fictitiously named defendants, at all times relevant to this

1 action was acting within the course and scope of his/her/its agency with defendants.
2 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously
3 named defendants is responsible in some manner for the occurrences herein alleged and
4 that Plaintiff's damages were proximately caused by those defendants.

5 16. Plaintiff is informed and believes and, based upon such information and
6 belief alleges, that Defendants, and each of them, sued herein was the agent, employee,
7 officer or servant of each of the remaining Defendants, and each of them, and in doing
8 the actions and in carrying on the activities described below was acting within the
9 course and scope of said agency, employment, position or servitude.

10 17. At all times mentioned, each of the Defendants, including DOES 1 through
11 20, were the alter egos of each other, such that at all times were acting in a manner
12 where such other Defendants, and each of them to one another, were ratifying and
13 approving the actions of their remaining Defendants.

14 JURISDICTION AND VENUE

15 18. This Court has jurisdiction over the subject matter of this action pursuant
16 to 28 U.S.C. § 1331, as the action arises under the laws of the United States.

17 19. This Court has personal jurisdiction over the Defendants as a result of the
18 Defendants' unauthorized access into, and misappropriation of information from, a
19 "protected computer" as defined in 18 U.S.C. § 1030(e)(2)(B) which is used in and
20 affects interstate or foreign commerce and communication, and as a result of
21 Defendant's intentional and wrongful conduct purposefully directed at and causing
22 injurious effect in the United States, including in the this district of California.

23 20. In the alternative, the Court has personal jurisdiction over the Defendants
24 pursuant to Fed. R. Civ. P. 4(k)(2).

25 21. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b).

26 ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

27 22. Plaintiff repeats and reincorporates paragraphs 1 through 21, inclusive, as
28 if set forth herein at length.

1 23. Plaintiff is informed and believes and, based upon such information and
2 belief alleges, that in or about 2017 and continuing into 2018 (exact dates unknown),
3 Plaintiff learned of unauthorized public postings of certain portions of the Stolen
4 Materials on the Internet, and thus became aware that it had been the victim of
5 computer hackings. The hackings included obtaining access without authorization to
6 Plaintiff's protected computers used by Plaintiff to conduct its business.

7 24. Plaintiff is informed and believes and, based upon such information and
8 belief alleges, that Defendants, acting in concert and in conspiracy with other presently
9 unknown persons or entities, planned, organized, financed, and executed the hackings,
10 and thereby obtained the Stolen Materials.

11 25. Plaintiff is informed and believes and, based upon such information and
12 belief alleges, that Defendants perpetrated a series of such hackings over an unknown
13 period of time.

14 26. Plaintiff is informed and believes and, based upon such information and
15 belief alleges, that in a series of uploads over an unknown period of time, Defendants
16 and/or one or more of their co-conspirators uploaded onto the Internet misappropriated
17 information and documents from among the Stolen Materials. Most, if not all, of the
18 Stolen Materials were previously unknown to the public and contain sensitive,
19 proprietary, and highly confidential documents and communications.

20 27. Some of the Stolen Materials were uploaded onto webpages within the
21 website located at the URL <https://www.wordpress.com>, a website Plaintiff is informed
22 and believes and, based upon such information and belief alleges, is owned and/or
23 maintained by Defendant Automattic.

24 28. Some of the Stolen Materials were uploaded onto webpages within the
25 website located at the URL <https://www.rgho.st>, a website Plaintiff is informed and
26 believes and, based upon such information and belief alleges, is owned and/or
27 maintained by Defendant CloudFlare.

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1 29. Some of the Stolen Materials were uploaded onto webpages within the
2 website located at the URL <https://www.rgho.st>, a website Plaintiff is informed and
3 believes and, based upon such information and belief alleges is owned and/or
4 maintained by Defendant RG.

5 30. Some of the Stolen Materials were uploaded onto webpages within the
6 website located at the URL <https://www.rgho.st>, a website Plaintiff is informed and
7 believes and, based upon such information and belief alleges is owned and/or
8 maintained by Defendant Regtime.

9 31. Some of the Stolen Materials were uploaded onto webpages within the
10 website located at the URL <https://www.blogspot.pt>, a website Plaintiff is informed and
11 believes and, based upon such information and belief alleges is owned and/or
12 maintained by Defendant MarkMonitor.

13 32. Some of the Stolen Materials were uploaded onto webpages within the
14 website located at the URL <https://www.blogspot.pt>, a website Plaintiff is informed and
15 believes and, based upon such information and belief alleges is owned and/or
16 maintained by Defendant Google.

17 33. Some of the Stolen Materials were uploaded onto webpages within the
18 website located at the Internet Protocol address 198.251.84.79 and Plaintiff is informed
19 and believes and, based upon such information and belief alleges, that it is owned
20 and/or maintained by Defendant FranTech.

21 34. Given the protected nature and location of the Stolen Materials (i.e., on
22 Plaintiff's protected computers), it would be extremely unlikely, if not impossible, for
23 someone who is not a hacker or working directly with a hacker to have somehow
24 independently collated the Stolen Materials and catalogued such on the Internet.
25 Plaintiff is informed and believes and, based upon such information and belief alleges,
26 that Hacker uploaded the Stolen Materials onto the Internet individually and/or with one
27 or more of his/her/its co-conspirators.

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1 41. 18 U.S.C. § 1030(g) of the Computer Fraud and Abuse Act provides that
2 any “person who suffers damage or loss by reason of a violation of this section may
3 maintain a civil action against the violator to obtain compensatory damages and
4 injunctive relief or other equitable relief.” Pursuant to 18 U.S.C. §§ 1030(g), (a)(2)(C),
5 and (c)(4)(A)(i)(I) of the Computer Fraud and Abuse Act, a civil action may be brought
6 if the conduct involves a loss during any one-year period aggregating at least \$5,000 in
7 value.

8 42. As a proximate result of the violations of the Computer Fraud and Abuse
9 Act by Defendant Hacker and his/her/its co-conspirators, Plaintiff has suffered damage
10 and loss in excess of \$5,000 within a one-year period, consisting of expenses (not
11 including attorneys’ fees) to investigate the hackings and to control and remediate the
12 damage Defendant Hacker and his/her/its co-conspirators, including but not limited the
13 other Defendants, caused.

14 43. Plaintiff has suffered and continues to suffer damage and loss by reason of
15 Defendant Hacker’s and his/her/its co-conspirators’, including but not limited the other
16 Defendants’, wrongful conduct.

17 44. Plaintiff has been and continues to be irreparably harmed by the ongoing
18 use and dissemination of documents from among the Stolen Materials.

19 45. As a proximate result of these violations, Plaintiff has suffered damage and
20 loss in an amount to be proven at trial, and, absent injunctive relief, faces likely
21 irreparable harm.

22 46. Under 18 U.S.C. § 1030(g) of the Computer Fraud and Abuse Act,
23 Plaintiff is entitled to an award of compensatory damages and injunctive and equitable
24 relief.

25 47. Defendant Hacker and his/her/its co-conspirators, including but not limited
26 the other Defendants, are not entitled to benefit from their own wrongdoing by further
27 disclosing, disseminating, posting, displaying, sharing, distributing, hosting, copying,
28

1 viewing, accessing, providing access to or making available to anyone any documents
2 from among the Stolen Materials.

3 48. This Court should therefore enjoin any further use, disclosure,
4 dissemination, posting, display, sharing, distribution, hosting, copying, viewing,
5 accessing, provision of access to or making available to anyone, in any manner
6 whatsoever, any of the Stolen Materials.

7 49. This Court should order the disabling of all websites publicly displaying
8 the Stolen Materials.

9 50. This Court should also order the deletion of all Internet posts that contain
10 or reference any documents from among the Stolen Materials, and the deletion of
11 hyperlinks to files that contain or reference any documents from among the Stolen
12 Materials.

13 **SECOND CAUSE OF ACTION**

14 **Violation of The Stored Communications Act (18 U.S.C. §§ 2701 et seq.)**

15 **(Against All Defendants)**

16 51. Plaintiff incorporates herein by this reference each and every allegation
17 contained in paragraphs 1-50, above, as though fully set forth.

18 52. Defendant Hacker and his/her/its co-conspirators, including but not limited
19 the other Defendants, violated 18 U.S.C. § 2701(a)(1) of the Stored Communications
20 Act by knowingly and intentionally accessing without authorization a facility through
21 which an electronic communication service is provided and thereby obtaining
22 documents from among the Stolen Materials that included wire or electronic
23 communications, while such communications were in electronic storage in such system.

24 53. Defendant Hacker and his/her/its co-conspirators, including but not limited
25 the other Defendants, knowingly and intentionally accessed without authorization the
26 Stolen Materials. To access the Stolen Materials, Defendant Hacker and his/her/its co-
27 conspirators accessed Plaintiff's computer(s) and then posted the Stolen Materials on
28 Internet service providers' computer(s), including but not limited to Defendant

1 Automattic, Defendant MarkMonitor, Defendant Google, Defendant CloudFlare and/or
2 Defendant FranTech, each of which is a “facility” within the meaning of 18 U.S.C. §
3 2701(a)(1) of the Stored Communications Act. Defendant Hacker and his/her/its co-
4 conspirators had no authorization to access any of such computer(s) or any of the Stolen
5 Materials.

6 54. The Stolen Materials obtained by Defendant Hacker and his/her/its co-
7 conspirators were in electronic storage in the above-mentioned servers, among others, at
8 the time Defendant Hacker and his/her/its co-conspirators accessed them without
9 authorization.

10 55. The actions of Defendant Hacker and his/her/its co-conspirators violated
11 the Stored Communications Act and were willful and intentional. Defendant Hacker
12 and his/her/its co-conspirators, despite knowing that their access to the above-
13 mentioned servers were not authorized, continued over a period of months to repeatedly
14 access and obtain electronic documents.

15 56. Upon information and belief, Defendant Hacker and his/her/its co-
16 conspirators acted jointly and in concert with one another.

17 57. 18 U.S.C. § 2707(a) of the Stored Communications Act provides that any
18 “person aggrieved by any violation of this chapter in which the conduct constituting the
19 violation is engaged in with a knowing or intentional state of mind may, in a civil
20 action, recover from the person or entity, other than the United States, which engaged in
21 that violation such relief as may be appropriate.”

22 58. 18 U.S.C. § 2707(b) and (c) of the Stored Communications Act provide
23 that “[i]n a civil action under this section, appropriate relief” may include equitable
24 relief, an award of damages, reasonable attorneys’ fees, and litigation costs reasonably
25 incurred. If the violation is willful or intentional, the court may also assess punitive
26 damages.

1 **(Cal. Penal Code § 502)**
2 **(Against All Defendants)**

3 67. Plaintiff incorporates herein by this reference each and every allegation
4 contained in paragraphs 1-66, above, as though fully set forth.

5 68. Defendants have violated California Penal Code § 502(c)(2) by knowingly
6 and fraudulently, and without permission, accessing, taking, copying, and making use
7 of programs, data, and files from Plaintiff's computers, computer system, and/or
8 computer network.

9 69. Defendants have violated California Penal Code § 502(c)(3) by knowingly,
10 fraudulently, and without permission accessing and using Plaintiff's computer systems.

11 70. Defendants have violated California Penal Code § 502(c)(6) by knowingly,
12 fraudulently, and without permission providing, or assisting in providing, a means of
13 accessing Plaintiff's computers, computer system, and/or computer network.

14 71. Defendants have violated California Penal Code § 502(c)(7) by knowingly,
15 fraudulently, and without permission accessing, or causing to be accessed, Plaintiff's
16 computers, computer system, and/or computer network.

17 72. Plaintiff owns the data that comprises the Stolen Materials obtained by
18 Defendants as alleged above.

19 73. As a direct and proximate result of Defendants' unlawful conduct within
20 the meaning of California Penal Code § 502, Defendants have caused damage to
21 Plaintiff in an amount to be proven at trial. Plaintiff is also entitled to recover its
22 reasonable attorneys' fees pursuant to California Penal Code § 502(e).

23 74. Plaintiff is informed and believes that the aforementioned acts of the
24 Defendants were willful and malicious in that Defendants' acts described above were
25 done with the deliberate intent to injure Plaintiff's business and improve their own.
26 Plaintiff is therefore entitled to punitive damages.

1 Materials to obtain and retain for themselves an advantage and without the cost of
2 competing fairly by independently developing the same materials.

3 98. Defendants' conduct was wrongful by a measure beyond the fact of the
4 interference itself. Defendants gained unauthorized access to the Stolen Materials
5 through false or improper credentials.

6 99. This conduct, as alleged above, constitutes violations of numerous state
7 and federal statutes and regulations as well as common law causes of actions.

8 100. As a result of Defendants' acts, Plaintiff's relationships have been actually
9 disrupted

10 101. As a direct and proximate result of Defendants' actions, Plaintiff has
11 suffered economic harm. Defendants' wrongful conduct was a substantial factor in
12 causing this harm.

13 102. Unless Defendants are restrained by appropriate injunctive relief, their
14 actions are likely to continue and recur and will cause Plaintiff irreparable injury for
15 which there is no adequate remedy at law.

16 103. Defendants' interference with Plaintiff's prospective economic advantage
17 with its current and future customers, fans, staff, players, advertisers, suppliers,
18 sponsors and/or vendors, as described above, was willful, malicious, oppressive, and in
19 conscious disregard of Plaintiff's rights, and Plaintiff is therefore entitled to an award of
20 punitive damages to punish their wrongful conduct and deter future wrongful conduct.

21 SEVENTH CAUSE OF ACTION

22 Unfair Competition - Cal. Bus. & Prof. Code § 17200 et seq.)

23 (Against All Defendants)

24 104. Plaintiff incorporates herein by this reference each and every allegation
25 contained in paragraphs 1-103, above, as though fully set forth.

26 105. Defendants have engaged in unlawful business acts or practices by
27 committing acts including computer fraud, trespass, conversion, interference with
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1 business relationships, and other illegal acts and practices as alleged above, all in an
2 effort to gain unfair competitive advantage over Plaintiff.

3 106. The acts and conduct of Defendants constitute fraudulent, unlawful, and
4 unfair competition as defined by California Bus. & Prof. Code §§ 17200, et seq.

5 107. Defendants' conduct constitutes violations of numerous state and federal
6 statutes and regulations as well as common law causes of actions.

7 108. Defendants have improperly and unlawfully taken commercial advantage
8 of Plaintiff's investment in the Stolen Materials. In light of Defendants' conduct, it
9 would be inequitable to allow Defendants to retain the benefit of the funds obtained
10 though the unauthorized and unlawful use of Plaintiff's property.

11 109. Defendants' unfair business practices have unjustly minimized Plaintiff's
12 competitive advantage and have caused and are causing Plaintiff to suffer damages.

13 110. As a result of such unfair competition, Plaintiff has also suffered
14 irreparable injury and, unless Defendants are enjoined from such unfair competition,
15 will continue to suffer irreparable injury, whereby Plaintiff has no adequate remedy at
16 law.

17 111. Defendants should be compelled to disgorge and/or restore any and all
18 revenues, earnings, profits, compensation, and benefits they may have obtained in
19 violation of California Business & Professions Code § 17200 et seq., including, but not
20 limited to, returning the value of the stolen property itself and any revenue earned from
21 it, and should be enjoined from further unlawful, unfair, and deceptive business
22 practices. Defendants should further be ordered to return all materials taken from
23 Plaintiff, and all copies of such, in their possession, custody, or control.

24 **EIGHTH CAUSE OF ACTION**

25 **Conversion**

26 **(Against All Defendants)**

27 112. Plaintiff incorporates herein by this reference each and every allegation
28 contained in paragraphs 1-111, above, as though fully set forth.

1 113. Defendants intentionally and willfully entered Plaintiff's protected
2 computers without permission and took possession of Plaintiff's property, including,
3 but not limited to, the Stolen Materials.

4 114. The Stolen Materials are the sole and exclusive property of Plaintiff.
5 Plaintiff has an exclusive right to possession and distribution of such property, which is
6 valuable to Plaintiff and vital to its continued business operations.

7 115. Plaintiff at no time consented, expressly or impliedly, to Defendants'
8 copying, downloading, removal, retention, or distribution of such property.

9 116. Defendants have been in knowing and unauthorized possession and control
10 of such property since at least 2017. Since that time, Defendants may have been
11 obtaining unjust and substantial benefit from the sale and distribution of Plaintiff's
12 property to third parties without Plaintiff's consent.

13 117. Defendants' improper assumption and exercise of dominion and control
14 over Plaintiff's property will continue to interfere with and diminish Plaintiff's rights in
15 that property.

16 118. Allowing Defendants to retain the benefits received as a result of their
17 wrongful acts would unjustly benefit Defendants at Plaintiff's expense.

18 119. As a direct and proximate result of Defendants' actions, Plaintiff has lost,
19 and will continue to lose, value in such property, in an amount to be determined at trial.
20 Defendants' wrongful conduct was a substantial factor in causing this harm.

21 120. Plaintiff is entitled to an award of the value of the property taken, with
22 interest, and other damages in an amount to be proven at trial. In addition, or in the
23 alternative, Plaintiff is entitled to damages and repossession of the converted property.
24 In addition, or in the alternative, Plaintiff is entitled to restitution of the Defendants' ill-
25 gotten gains. Plaintiff will seek its election of remedies at trial.

26 **NINTH CAUSE OF ACTION**

27 **Trespass To Chattels**

28 **(Against All Defendants)**

1 121. Plaintiff incorporates herein by this reference each and every allegation
2 contained in paragraphs 1-120, above, as though fully set forth.

3 122. At all times mentioned in this Complaint, Plaintiff had legal title to and
4 actual possession of the Stolen Materials.

5 123. Defendants intentionally interfered with Plaintiff's use or possession of the
6 Stolen Materials.

7 124. Defendants' trespass and interference with the Stolen Materials
8 proximately caused damage to Plaintiff, including, but not limited to, damage to the
9 functionality of Plaintiff's computer system and data, damage to Plaintiff's rights to
10 dominion and control over its property, and damage to the confidential nature of the
11 Stolen Materials. As a result, Defendants caused Plaintiff's property to greatly diminish
12 in value and deprived Plaintiff of the intended use of its computer systems.

13 125. Plaintiff is entitled to recover any and all damages it sustained as a result of
14 such trespass, in an amount to be determined at trial.

15 126. Defendants' trespass interfered with, and damaged, the integrity and
16 functionality of Plaintiff's computer system and data. Defendants will continue to
17 commit such acts and other competitors will be encouraged to sweep the Internet to
18 access the Stolen Materials, preventing Plaintiff from using its systems and data for
19 their intended purpose. Defendants' trespass therefore threatens to cause irreparable
20 harm to Plaintiff, for which Plaintiff's remedy at law is not adequate to compensate it
21 for the injuries inflicted and threatened.

22 **TENTH CAUSE OF ACTION**

23 **Unjust Enrichment/Restitution**

24 **(Against All Defendants)**

25 127. Plaintiff incorporates herein by this reference each and every allegation
26 contained in paragraphs 1-126, above, as though fully set forth.

27 128. Defendants unjustly received benefits at the expense of Plaintiff through
28 their wrongful conduct, including Defendants' interference with Plaintiff's business

1 relationships and other unfair business practices, as well as Defendants' trespass on,
2 computer fraud concerning, and conversion of the Stolen Materials. Defendants
3 continue to unjustly retain these benefits at the expense of Plaintiff. It would be unjust
4 for Defendants to retain any value they obtained as a result of their wrongful conduct.

5 129. Plaintiff is accordingly entitled to full restitution of all amounts in which
6 Defendants have been unjustly enriched at Plaintiff's expense.

7 **ELEVENTH CAUSE OF ACTION**

8 **Civil Conspiracy**

9 **(Against All Defendants)**

10 130. Plaintiff incorporates herein by this reference each and every allegation
11 contained in paragraphs 1-129, above, as though fully set forth.

12 131. Defendants willfully, intentionally, and knowingly agreed and conspired
13 with each other to engage in the alleged wrongful conduct, including Defendants'
14 interference with Plaintiff's business relationships and other unfair business practices,
15 as well as Defendants' trespass on, computer fraud concerning, and conversion of the
16 Stolen Materials.

17 132. Defendants did the acts alleged pursuant to, and in furtherance of, that the
18 acts of the others.

19 133. As a direct and proximate result of the acts in furtherance of the
20 conspiracy, Plaintiff has suffered injury, damage, loss, and harm.

21 134. The wrongful conduct committed pursuant to the conspiracy was a
22 substantial factor in causing this harm.

23 135. Defendants' intentional agreement to commit, and commission of, these
24 wrongful acts was willful, malicious, oppressive, and in conscious disregard of
25 Plaintiff's rights, and Plaintiff is therefore entitled to an award of punitive damages to
26 punish their wrongful conduct and deter future wrongful conduct.

27 **TWELFTH CAUSE OF ACTION**

28 **Aiding and Abetting**

1 **(Against All Defendants)**

2 136. Plaintiff incorporates herein by this reference each and every allegation
3 contained in paragraphs 1-135, above, as though fully set forth.

4 137. As fully described above, Defendants had full knowledge or should have
5 reasonably known of the true nature of the wrongful conduct of each other Defendant,
6 and aided and abetted such wrongful conduct, including interference with Plaintiff's
7 business relationships and other unfair business practices, as well as Defendants'
8 trespass on, computer fraud concerning, and conversion of the Stolen Materials, by
9 providing substantial assistance and/or encouraging the others to act.

10 138. Defendants also aided and abetted the described wrongful conduct of the
11 other Defendants by giving substantial assistance and/or encouragement that, separately
12 considered, was wrongful in and of itself.

13 139. As a direct and proximate result of the aiding and abetting of these acts,
14 Plaintiff has suffered injury, damage, loss, and harm.

15 140. The wrongful conduct aided and abetted by the Defendants was a
16 substantial factor in causing this harm.

17 141. Defendants' aiding and abetting of these wrongful acts was willful,
18 malicious, oppressive, and in conscious disregard of Plaintiff's rights, and Plaintiff is
19 therefore entitled to an award of punitive damages to punish their wrongful conduct and
20 deter future wrongful conduct.

21 **THIRTEENTH CAUSE OF ACTION**

22 **Declaratory Relief**

23 **(Against All Defendants)**

24 142. Plaintiff incorporates herein by this reference each and every allegation
25 contained in paragraphs 1-142, above, as though fully set forth.

26 143. An actual controversy has arisen between Plaintiffs and Defendants, and
27 each of them, with respect to the rights, obligations and duties of the parties, including
28

1 but not limited to the theft and use of the Stolen Materials by Defendants, warranting
2 the issuance of a declaratory judgment.

3 144. Plaintiff seeks preliminary and/or permanent injunctive relief to protect its
4 rights and avoid the injuries described herein. A favorable decision would redress and
5 prevent the irreparable injuries to Plaintiff, for which Plaintiff has no adequate remedy
6 at law or in equity.

7 145. Defendants will incur little to no burden if the relief sought here is granted.
8

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and
11 severally as follows:

- 12 A. Adjudging that the Defendants' actions violated The Computer Fraud and Abuse
13 Act, 18 U.S.C. § 1030, and the Stored Communications Act, 18 U.S.C. §§ 2701
14 et seq.;
- 15 B. Enjoining the Defendants, their affiliates, employees, agents, and representatives,
16 and all persons acting in concert or participation with Defendants, from using,
17 disclosing, disseminating, posting, displaying, sharing, distributing, hosting,
18 copying, viewing, accessing, providing access to or making available to anyone,
19 in any manner whatsoever, any of the Stolen Materials;
- 20 C. Ordering the disabling of all websites publically displaying the Stolen Materials
21 and of all hyperlinks to the Stolen Materials;
- 22 D. For a preliminary and permanent injunction restraining Defendants, their officers,
23 agents, servants, employees, representatives, and attorneys, and those in active
24 concert or participation with any of them from:
- 25 (1) accessing any Plaintiff computer system, without Plaintiff's authorization;
26 (2) selling, distributing, or using any property obtained from Plaintiff's
27 computer system, including without limitation, the Stolen Materials;
- 28

1 (3) removing, downloading or copying property from Plaintiff's computer
2 system, including without limitation, the Stolen Materials;

3 (4) otherwise engaging in acts of unfair competition and interference with
4 Plaintiff's business relationships;

5 E. That the Court order Defendants to file with the Court and serve on Plaintiff
6 within thirty (30) days after the service on Defendants of such injunction a report
7 in writing, under oath, setting forth in detail the manner and form in which
8 Defendants have complied with the injunction;

9 F. For an order directing Defendants to identify the Defendant Hacker;

10 G. For an order directing Defendants to return Plaintiff's property, including,
11 without limitation, the Stolen Materials, that Defendants took from Plaintiff, as
12 set forth in this Complaint;

13 H. That the Court order Defendants to pay Plaintiff punitive damages in a sum to be
14 determined at trial, on the basis of their willful and deliberate unauthorized
15 computer access, intentional interference with Plaintiff's prospective economic
16 advantage, aiding and abetting and conspiracy;

17 I. For restitution and disgorgement of all ill-gotten gains unjustly obtained and
18 retained by Defendants through the acts complained of here;

19 J. For damages to be proven at trial;

20 K. For prejudgment interest;

21 L. For an accounting;

22 M. For an order awarding Plaintiff its attorneys' fees and costs; and,

23 N. For an order awarding Plaintiff such other and further relief as the Court deems
24 just and proper.

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Date: April 9, 2018

LEECH TISHMAN FUSCALDO & LAMPL

By: /s/Ivan Posey
CHRISTOPHER GONZALEZ ESQ.
A. BRUCE BOWDEN, ESQ.
IVAN POSEY, ESQ.
ATTORNEYS FOR PLAINTIFF
Sport Lisboa e Benfica - Futebol SAD

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial in this matter.

Date: April 9, 2018

LEECH TISHMAN FUSCALDO & LAMPL

By: /s/Ivan Posey
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